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1946

SOCIAL WELFARE LAW

OF THE

State of New York

DECEMBER 1946

SOCIAL W[illegible] DEPARTMENT OF SOCIAL WELFARE

[illegible] Stern, *Chair[illegible]* Robert T. Lansdale, *Commissioner*

112 State Street
Albany, New York

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SOCIAL WELFARE LAW

OF THE

State of New York

DECEMBER 1946

BOARD OF SOCIAL WELFARE
Henry Root Stern, *Chairman*

DEPARTMENT OF SOCIAL WELFARE
Robert T. Lansdale, *Commissioner*

112 State Street
Albany, New York

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DIRECTORY OF BOARD AND DEPARTMENT

DECEMBER 1, 1946

State Board of Social Welfare

	Judicial District	Term Expires
Mrs. Dorothy L. Bernhard, New York City	At Large	June 30, 1946
Mrs. Gertrude S. Brooks, Syracuse	At Large	June 30, 1948
Norman P. Clement, Buffalo	At Large	June 30, 1946
William O. Riordan, New Rochelle	At Large	June 30, 1948
Henry Root Stern, *Chairman*, Manhasset	At Large	June 30, 1948
Vacancy	At Large	
Paxton Blair, New York City	1st	June 30, 1949
Dr. Joseph F. Todd, Brooklyn	2nd	June 30, 1947
Mrs. Laura M. Whitfield, Albany	3rd	June 30, 1949
Vacancy	4th	
Vacancy	5th	
Vacancy	6th	
Mrs. Alice Wood Wynd, Rochester	7th	June 30, 1947
Neil D. Callanan, *Vice-Chairman*, Buffalo	8th	June 30, 1950
Vacancy	9th	

State Department of Social Welfare

Robert T. Lansdale — Commissioner of Social Welfare
Lee C. Dowling — First Deputy Commissioner, New York City Affairs
Raymond W. Houston — Deputy Commissioner, State Institutions and Agencies
Harry O. Page — Deputy Commissioner, Welfare and Medical Care
Joseph T. Byrne — Deputy Commissioner, Administrative Finance
Byron T. Hipple, Jr — Assistant to the Commissioner
Felix Infausto — Department Counsel and Board Secretary
Lamar Perkins — Assistant Attorney-General
Edward W. Bock — Assistant Attorney-General

Directors of Bureaus

Margaret Barnard — Director of Public Assistance
Gladys Fisher — Aid to Dependent Children, the Aged and the Blind
Harry M. Hirsch — State Charges
Margaret Norman — Home Relief and Veteran Assistance
Roy Curtiss, Jr — Procedures and Systems
Peter F. Birkel, M.D. — Medical Care
Grace S. Harper — Commission for the Blind
Herbert R. Brown — Vocational Rehabilitation Service
Arthur H. Hoddick — Welfare Institutions and Agencies
James E. Mahony — Office Administration
Grace A. Reeder — Child Welfare
David M. Schneider — Research and Statistics
Joseph Strack — Welfare Publications

Area Directors

Harold S. Tolley	Area 1	43 Court Street, Buffalo 2
George W. Chesbro	Area 2	45 Exchange Street, Rochester 4
Clement J. Doyle	Area 3	718 State Tower Building, Syracuse 2
C. Randolf Wilson	Area 4	74 State Street, Albany 1
Roland B. Guild	Area 5	205 East 42 Street, New York 17
Lee C. Dowling	Area 6	205 East 42 Street, New York 17

Superintendents of Institutions

Clinton W. Areson — State Agricultural and Industrial School, Industry
Inez B. Patterson — New York State Training School for Girls, Hudson
Hjalmar F. Scoe — Thomas Indian School, Iroquois
Walter R. Vadney — New York State Woman's Relief Corps Home, Oxford
Herbert D. Williams — New York State Training School for Boys, Warwick

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Commission for the Blind	Term Expires
Ferris T. Wentworth, Kenmore	June 21, 1947
Winthrop Howe, Jr., Rochester	June 21, 1948
Mrs. Blanche P. Gilman, *Chairman*, New York City	June 21, 1949
Dr. David F. Gillette, Syracuse	June 21, 1950
Madeleine W. Smith, Brooklyn	June 21, 1951

N. Y. State Training School for Boys, Warwick (Board of Visitors)

Mrs. Mathew W. Boutte, New York City	February, 1947
Walter Mendelsohn, New York City	February, 1948
Mrs. Amy B. Crist, Montgomery	February, 1949
Fred W. Guild, *President*, New York City	February, 1950
Henry K. Ostrow, *Secretary*, New York City	February, 1951
Louis M. Ebling, New Rochelle	February, 1952
Dr. Theodore W. Newmann, Central Valley	February, 1953

N. Y. State Training School for Girls, Hudson (Board of Visitors)

Dr. Alice Stone Wooley, Poughkeepsie	February, 1947
Mrs. Isla Judson, Kinderhook	February, 1948
Mrs. Harriet Shadd Butcher, *Secretary*, New York City	February, 1949
Mrs. Florence Perlman, *President*, New York City	February, 1950
Mrs. Dana W. Barnard, Syracuse	February, 1951
Mrs. John J. Conway, Albany	February, 1952
Arvie Eldred, Troy	February, 1953

N. Y. State Woman's Relief Corps Home, Oxford (Board of Visitors)

Mrs. Katherine L. Paulding, *President*, Peekskill	February, 1948
Mrs. Adelle C. Murphy, *Secretary*, Mexico	February, 1949
Dr. J. Mott Crumb, South Otselic	February, 1950
Mrs. Mayo Wilbur, Binghamton	February, 1952
Henry E. Norton, Rochester	February, 1953
Vacancy	
Vacancy	

State Agricultural and Industrial School, Industry (Board of Visitors)

John F. Curran, Rochester	February, 1947
Thomas C. Coyne, Avon	February, 1948
Norman O'Brien, *Secretary*, Rochester	February, 1948
Dr. Baincss A. Goldblatt, Brighton	February, 1949
Thomas C. Meisch, Rochester	February, 1949
James L. Wiles, Rush	February, 1950
Mrs. William B. Macomber, Rochester	February, 1950
Mrs. Evalyn Gatchell, North Rose	February, 1951
Frederick D. Lamb, *President*, Rochester	February, 1951
Alfred A. Johns, Rochester	February, 1951
Louis Guarnieri, Buffalo	February, 1952
Harry P. Wareham, Jr., E. Rochester	February, 1952
Peter Tettelbach, Rochester	February, 1953
Mrs. Hubert Schoepperle, Hamburg	February, 1953
Vacancy	

Thomas Indian School, Iroquois (Board of Visitors)

John L. Snyder, *Secretary*, Irving	February, 1947
Frank L. Cohen, Buffalo	February, 1948
Mrs. Gertrude J. Leonhard, Buffalo	February, 1949
Louis Bruce, Jr., Richfield Springs	February, 1950
Mrs. Arthur Hoag, Salamanca	February, 1951
Frank J. Lehley, *President*, Brant	February, 1952
Dorothea Trapp, Gowanda	February, 1953

FOREWORD

This edition brings the Social Welfare Law up to date through 1946. Chapter 200 of the Laws of 1946, providing for the integration and simplification of the local public welfare system, embodies the most comprehensive changes ever made in public welfare administration in New York State at any one time.

The new public welfare system is based upon a philosophy which emphasizes maximum local determination and maximum local initiative. This philosophy is expressed in a series of optional plans, to be worked out by the localities themselves, which offer full opportunities to the counties, the cities, and the towns to play vital roles in the administration of public welfare.

Through these options two basic and simple objectives are sought: (1) a convenient, local welfare office in every community, where the residents may apply for whatever type of assistance or care they may need; and (2) a single, integrated, local welfare staff to make social investigations of such applications.

Other fundamental changes in the law include: increases in state aid which stabilize local costs of public assistance programs at 20 percent; abolition of the complicated and archaic settlement system; provision for advance allotment of state and federal welfare funds to the localities, to replace the old system of reimbursing the localities for the state's share of welfare costs after the localities had made the initial expenditures; and a more constructive and systematic basis for state-local relations, under which county and city public welfare districts present plans of welfare administration to the State Department of Social Welfare for review, making it possible for the Department to focus its attention on the whole welfare set-up, rather than on individual elements as in the past.

The need for correction of the old public welfare patchwork was first pointed out by Governor Thomas E. Dewey in his annual message in 1943. In his 1944 message, the Governor urged the Legislature to study the problem and make recommendations for its solution.

In response, the 1944 Legislature created a Special Committee on Social Welfare and Relief of the Joint Legislative Committee on Interstate Cooperation, headed by Assemblyman Harold C. Ostertag, to study the whole complex of local public social services and to draft a plan to modernize these services. The 1944 Legislature also established the Commission on Municipal Revenues and Reduction of Real Estate Taxes, under the leadership of State Comptroller Frank C. Moore, to study the entire field of state-local fiscal relationships, including state aid for public welfare programs. The Commission and the Committee submitted their reports to the Legislature in 1946.

With but one dissenting vote, the 1946 Legislature passed legislation based upon the recommendations of the Ostertag Committee and the Moore Commission. This bill, signed by the

Governor, became Chapter 200 of the Laws of 1946, effective April 1, 1946.

A word of appreciation is due the individuals in the Department who compiled, edited, and indexed this volume: Felix Infausto, Counsel; Mrs. Anne M. Keegan of the Bureau of Research and Statistics; and Joseph Strack, Welfare Publications Editor.

ROBERT T. LANSDALE
Commissioner of Social Welfare

Albany, New York
December 1, 1946

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SOCIAL WELFARE LAW

LAWS 1940, CHAPTER 619

(As amended through 1946)

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

CHAPTER 55 OF THE CONSOLIDATED LAWS

Social Welfare Law

Article 1. Short title; definitions (§§ 1–2).
2. Department and State Board of Social Welfare (§§ 5–39).
3. Local public welfare organization; powers and duties (§§ 51–110).
Title 1. Application (§§ 51–58).
2. Public welfare districts and their responsibility for public assistance and care (§§ 61–62).
3. County public welfare districts (§§ 65–73).
3-A. Integration of local public welfare administration (§§ 74–75-a).
4. City public welfare districts (§§ 76–77).
5. Records, reports, funds and appropriations (§§ 80–94).
6. Powers to enforce support (§§ 101–110).
4. Residence and removal (§§ 117–121).
5. Assistance and care (§§ 131–365).
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4. Medical care (§§ 184–188).
5. Public institutional care for adults (§§ 193–203).
6. Old age assistance (§§ 207–227).
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2. Powers and duties of public welfare officials (§§ 395–403).
3. Child welfare services (§§ 406–408).
7. State institutions in the department (§§ 411–452).
Title 1. General provisions (§§ 411–422).
2. State training schools (§§ 425–440).

* Herein the articles, titles and sections of the Social Welfare Law are set out in numerical order.

3. New York State Woman's Relief Corps Home (§§ 443–446).
4. Thomas Indian School (§§ 448–452).
8. State Charities' Aid Association (§§ 461–463).
9. Dispensaries (§§ 464–471).
9-A. House of Good Shepherd and Berkshire Industrial Farm (§§ 472-a–472-q).
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2. Berkshire Industrial Farm (§§ 472-e–472-q).
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ARTICLE 1

SHORT TITLE; DEFINITIONS

Section 1. Short title.
2. Definitions.

Section 1. **Short title.** This chapter shall be known as the social welfare law.

§ 2. **Definitions.** When used in this chapter unless otherwise expressly stated or unless the context or subject matter requires a different interpretation.

1. Department means the state department of social welfare.

2. Board means the state board of social welfare.

3. State institution in the department means any state institution subject to the jurisdiction, supervision and control of the department, namely: the state agricultural and industrial school at Industry, the New York State training school for boys at Warwick, the New York state training school for girls at Hudson, the New York woman's relief corps home at Oxford, the Thomas Indian school at Iroquois, and such other state institutions as may hereafter be made subject to the jurisdiction, supervision and control of the department.

4. Member means a member of the state board of social welfare.

5. Visitor means a member of the board of visitors of a state institution in the department.

6. Commissioner means the state commissioner of social welfare.

7. Public welfare district means a city or county public welfare district as constituted by section sixty-one.

8. County commissioner of public welfare shall mean the county officer, board or commission, by whatever title known, having authority to give the public assistance and care for the administration of which a county public welfare district is responsible.

9. City commissioner of public welfare shall mean the city officer, board or commission, by whatever title known, having authority

to give the public assistance and care for the administration of which a city public welfare district is responsible.

10. Commissioner of public welfare shall mean a city or county commissioner of public welfare.

11. Town public welfare officer shall mean the town officer having authority to give the public assistance and care for the administration of which the town is responsible.

12. City public welfare officer shall mean the city officer, board or commission, by whatever title known, having authority to give the public assistance and care for the administration of which a city which is part of a county public welfare district is responsible and shall include the public welfare officer of a town which shall have elected to assume the responsibilities of a city in a county public welfare district. The term "city" when used in reference to a city which is part of a county public welfare district shall be understood to include such a town.

13. (a) Town service officer shall mean the town officer having authority to receive and forward applications for public assistance and care and to grant only emergency assistance.

(b) City service officer shall mean the officer of a city having authority to receive and forward applications for public assistance and care and to grant only emergency assistance.

As added by L. 1946, *C.* 200, *eff. April* 1, 1946; *former subdivision* 13 *repealed by same law.*

14. Public welfare official shall mean a county commissioner of public welfare, a city commissioner of public welfare, a town public welfare officer or city public welfare officer to whom the power or duty referred to is assigned under the provisions of this chapter. In any law where reference is made by any title to an official charged with the duty of caring for the poor in a town, city or county, it shall be understood as referring to the one of the above mentioned public welfare officials on whom the power or duty referred to is conferred under the provisions of this chapter.

Subdivision 14 *as amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

15. County home means an almshouse maintained by a county public welfare district.

16. City home means an almshouse maintained by a city public welfare district.

17. Public home means a county or city home. In any law where reference is made by any name to an almshouse maintained at public expense, it shall be construed as referring to a public home.

18. Legislative body means the board or boards empowered to make appropriations for public assistance and care in a county, town or city.

19. Public welfare department means the division or officer of city government or the office or official or board charged with the authority to administer public assistance or care in the county public welfare district.

20. Public assistance and care includes home relief, veteran assistance, old age assistance, assistance to the blind, aid to dependent children, medical care, institutional care for adults and child care granted at public expense pursuant to this chapter.

21. State charge shall mean:

(a) any needy person without state residence;

(b) any needy Indian or member of his family residing upon any Indian reservation in the state;

(c) any person with state residence when the full cost of assistance and care furnished to him is reimbursable by the state;

(d) any person receiving (1) home relief, old age assistance, aid to dependent children or assistance to the blind, on June thirtieth, nineteen hundred forty-six, as a state charge; and such person shall continue to be a state charge until June thirtieth, nineteen hundred forty-seven when he shall become a local charge; (2) care, as a state charge, on June thirtieth, nineteen hundred forty-six, in a hospital or institution, or from an authorized agency, in the case of a child or a minor under the age of eighteen years; and such a person shall continue to be a state charge for one year subsequent to his discharge from such care; thereafter he shall be a local charge.

22. Local charge shall mean any other needy person with state residence.

Subdivisions 21 *and* 22 *added by L.* 1946, *C.* 200, *eff. April* 1, 1946.

ARTICLE 2

Department and State Board of Social Welfare

Section 5. Department of social welfare.
6. State board of social welfare.
7. Qualifications of members.
8. Organization of the board.
9. Removal and vacancies.
10. Compensation and expenses.
11. Commissioner of social welfare.
12. Deputy commissioners.
13. Organization of the department.
14. Employees; compensation.
15. Administrative areas; state welfare officers.
16. Offices of the department.
17. Powers and duties of the board.
18. Rules.
19. Record of proceedings of the board; certificates and subpoenas.
20. Powers and duties of the department.
21. Visitation, inspection, and supervision.
22. Information to be sought on visits and inspections.
23. Investigations of institutions.
24. Orders of board directed to institutions.
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26. Delegation of visitation, inspection and supervision power.
27. Duties of the attorney-general and district attorneys.
28. Gifts and bequests.
29. Federal agency.
30. Continuation of salaries of local and state welfare employees receiving training for the better performance of their duties.
31. Fellowships and scholarships for local and state public welfare employees.
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33. Contracts for supplies and commodities needed in the administration of assistance.
34. General powers and duties of the commissioner.
35. Certificates of incorporation.
36. Studies.
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38. Commission for the blind.
39. Indian affairs.

§ 5. **Department of social welfare.** The state department of social welfare, provided for in the constitution, is hereby continued.

§ 6. **State board of social welfare.** The head of the department shall be the state board of social welfare which shall consist of fifteen members appointed by the governor by and with the consent of the senate, one from each of the judicial districts of the state and the balance to be chosen from the state at large. At the expiration of the term of any member of the board his successor shall be appointed for a term of five years.

As amended by L. 1945, *C.* 530, *eff. April* 4, 1945.

§ 7. **Qualifications of members.** 1. No member of the board shall be eligible to serve for more than two successive terms of five years, nor for more than ten successive years.

2. No member of the board shall qualify or enter upon the duties of office or remain therein, while he is a trustee, manager, director, officer or member of the governing board of any institution subject to the visitation or inspection of such board.

§ 8. **Organization of the board.** The governor shall designate a member of the board as chairman thereof to serve as such during the pleasure of the governor. The board may designate other officers and may choose from their number an executive committee with such functions as shall be prescribed by the board.

§ 9. **Removal and vacancies.** Any member may be removed by the governor for cause, an opportunity having been given him to be heard. A member who fails to attend three consecutive regular meetings of the board, unless excused by formal vote of the board, shall be deemed to have vacated his position.

§ 10. **Compensation and expenses.** The members of the board shall receive the sum of twenty dollars for each day's attendance at meetings of the board or of any of its committees, not exceeding, however, in any one year the sum of one thousand dollars, and also such other necessary expenses as shall have been incurred by them in the performance of their duties. Payment of such sums and expenses shall be made on the audit and warrant of the comptroller from the treasury of the state upon certification by the commissioner.

§ 11. **Commissioner of social welfare.** The office of state commissioner of social welfare is hereby continued. The board shall appoint and at pleasure remove the commissioner.

§ 12. **Deputy commissioners.** The commissioner, with the approval of the board, shall appoint and remove at pleasure not more than five deputy commissioners in the exempt class of the civil service with qualifications satisfactory to the board. One of the deputies so appointed shall act as the commissioner's chief assistant.

§ 13. **Organization of the department.** The commissioner shall, with the approval of the board, determine the details of departmental organization.

§ 14. **Employees; compensation.** In addition to his deputies, the commissioner may appoint and remove from time to time, in accordance with law and any applicable rules of the state civil service commission, such employees as he may deem necessary for the efficient administration of the department. The compensation of employees appointed by the commissioner pursuant to this section shall be determined by him in accordance with law.

§ 15. **Administrative areas; state welfare officers.** The commissioner is empowered with the approval of the board, from time to time, to divide the state into administrative areas with appropriate offices within the limits of appropriations made therefor. He shall appoint for each such administrative area a state welfare officer who shall meet the qualifications established by the board. Each such state welfare officer under the direction of the commissioner and subject to the rules of the board and regulations of the department shall act as the representative of the department and shall perform such duties as may be imposed upon him by the commissioner.

§ 16. **Offices of the department.** The department shall be provided with suitably furnished rooms for its offices and for meetings of the board. The principal office of the department shall be in the city of Albany.

§ 17. **Powers and duties of the board.** The powers and duties of the board shall be regulatory and advisory and not administrative or executive, except as hereinafter provided. It shall

(a) be a policy-making body, determining the outlines and principles of administration upon which public assistance and care shall be administered within the state both by the state itself and by the local governmental units;

(b) in its advisory capacity, make its views available to local welfare officials and to public and private institutions and welfare agencies subject to its regulatory and to its advisory powers;

(c) in consultation with the civil service commission, establish minimum qualifications for positions in the state and local welfare departments, having due regard for the requirements and varying types of communities within the state;

(d) make a report at least once a year to the governor and the legislature and such other reports as may be required by the governor, or either house of the legislature, or which it thinks proper.

§ 18. **Rules.** 1. The board shall make rules with respect to all of the functions, powers and duties with which the department and the board are or shall be charged and shall include but not be limited to rules.

(a) governing the administration of public assistance, care and welfare measures throughout the state;

(b) for the inspection of those institutions and agencies not in receipt of public funds as authorized under article seventeen of the constitution.

(c) for the general supervision of all other institutions and agencies which are made subject to its visitation and inspection or to that of the department by the constitution or by law.

2. Such rules shall state the date upon which they take effect and shall have the force and effect of law only if

(a) adopted by a two-thirds vote of the members of the board, and

(b) filed as a public record in the department, and

(c) sent, if relating to public assistance and care, to the chief welfare officer of each public welfare department within the state; or to the corporations, associations, institutions or agencies affected thereby, and

(d) filed in the office of the department of state, and

(e) published in such manner as the board shall determine or as otherwise provided by law.

3. Each city or county may enact regulations not inconsistent with (a) the rules so established and promulgated by the board;

(b) applicable provisions of law; or

(c) regulations of the department.

Subdivision 3 *as amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

§ 19. **Record of proceedings of the board; certificates and subpoenas.** 1. The board shall cause a record to be kept of its proceedings by its secretary or other officer designated by it.

2. The records of its proceedings and copies of all papers and documents in its possession and custody may be authenticated in the usual form, under the official seal of the department and the signature of the chairman or secretary of the board or the commissioner, and shall be received in evidence in the same manner and with like effect as deeds regularly acknowledged or proven.

3. The board may issue subpoenas, which, when authenticated by any member or the secretary or the commissioner, shall be obeyed and enforced in the same manner as obedience is enforced to an order or mandate made by a court of record.

§ 20. **Powers and duties of the department.** 1. The powers and duties of the board, the department and the commissioner shall be exercised in unison so as to obtain to the fullest extent the purposes and intent of this chapter.

2. The department shall, as provided in this chapter:

(a) administer all the forms of public welfare work for which the state is responsible;

(b) supervise all public welfare work, as the same may be administered by any local unit of government and the public welfare officials and service officers thereof within the state, advise them in the performance of their official duties and regulate the financial assistance granted by the state in connection with said work;

(c) distribute, reimburse and grant as herein provided the funds appropriated by the legislature for such participation and also such funds as may be received from the federal government for such purpose or purposes.

3. The department is authorized:

(a) to supervise local welfare departments;

(b) in accordance with the provisions of this chapter to make reimbursements of local welfare costs on a participating basis established by law, to advance grants of money for local welfare purposes and to administer a discretionary fund for such purposes within the limit of available appropriations;

(c) to pay such per centum as the legislature shall determine, of the salaries of local administrative personnel as it shall determine to be qualified to perform the duties assigned;

(d) to establish regulations and policies for the administration of public assistance and care throughout the state as a whole, and for local administration thereof;

(e) to approve or disapprove plans required to be filed with the department by public welfare districts for the administration of public assistance and care therein, to review such plans as frequently as it may deem necessary, and to withdraw for cause its approval of any plan it previously approved;

(f) to withhold or deny state reimbursement, in whole or in part, from or to any public welfare district or any city or town thereof, in the event of the failure of either of them to comply with (1) provisions of law, rules of the board, or regulations of the department relating to public assistance and care or the administration thereof, (2) any provision of any plan for the administration of public assistance and care filed with the department by such public welfare district, after the department shall have approved such plan;

(g) to withhold or deny state reimbursement, in whole or in part, from or to any public welfare district, in the event that the department shall withdraw its approval of a plan filed with it by such public welfare district for the administration of public assistance and care therein;

(h) to review on its own motion, for the purpose of determining whether assistance and care have been adequately or properly provided, any decision made by any local official in relation to any application for, or grant of, public assistance or care, to make and issue such decision with relation thereto as in its judgment is justified, and such decision shall be binding on all local officials or others concerned in the matter.

Subdivisions 2 and 3 as amended by L. 1946, C. 200, eff. April 1, 1946.

4. The department shall

(a) carry out the directions of the board with respect to visitation, inspection and supervision of institutions which, by law or the constitution, are made subject to the visitation of the board. As used in this subdivision and sections twenty-one and twenty-two, the term "institution" includes a corporation, society, agency or association which is or may be subject to such visitation, inspection or supervision as provided in the constitution.

(b) aid in securing the just, humane and economic administration of all institutions subject to such visitation,

(c) advise the officers of such institutions in the performance of their official duties and as to the best measures for the care and relief of their inmates and beneficiaries,

(d) aid in securing the erection of suitable buildings for the accommodation of the inmates and beneficiaries of such institutions,

(e) investigate the management of such institutions and the conduct and efficiency of the officers or persons charged with their management, and the care and relief of the inmates or beneficiaries of such institutions,

(f) aid in securing the best sanitary condition of the buildings and grounds of all such institutions, and advise measures for the protection and preservation of the health of the inmates and beneficiaries.

(g) aid in securing the establishment and maintenance of suitable industrial, educational and moral training in such institutions.

§ 21. **Visitation, inspection and supervision.** The board 1. shall visit and inspect, from time to time, and maintain a general supervision of institutions and agencies which are made subject to its supervision, or to that of the department, as provided by article seventeen of the constitution or by law,

2. shall visit and inspect, all public and private institutions, whether state, county, municipal, incorporated or not incorporated, which are in receipt of public funds and which are of a charitable, eleemosynary, correctional or reformatory character, including all reformatories for juveniles and institutions or agencies exercising custody of dependent, neglected or delinquent children, but excepting state institutions for the education and support of the blind, the deaf and the dumb, and excepting also such institutions as are made by the constitution subject to the visitation and inspection of the department of mental hygiene or the state commission of correction. As to institutions, whether incorporated or not incor-

porated, having inmates, but not in receipt of public funds, which are of a charitable, eleemosynary, correctional or reformatory character, and agencies, whether incorporated or not incorporated, not in receipt of public funds, which exercise custody of dependent, neglected or delinquent children, the board shall make inspections, but solely as to matters directly affecting the health, safety, treatment and training of their inmates, or of the children under their custody. Visitation and inspection as herein authorized, shall not be exclusive of other visitation and inspection now or hereafter authorized by law.

3. shall establish and may alter and amend rules concerning records, buildings and equipment and standards of care which shall apply in the care of destitute, delinquent, abandoned, neglected or dependent children; in the operation of any hospital, infirmary, dispensary, clinic, or home, or institution for convalescent, invalid, aged or indigent persons, or lying-in asylum where women may be received, cared for or treated during pregnancy or during or after delivery, and in the placing-out or boarding-out of children.

Subdivision 3 *as amended by L.* 1941, *C.* 346, *eff. March* 1, 1941.

4. shall inspect from time to time all corporations heretofore or hereafter formed by a special act or under a general law and all unincorporated organizations, institutions and agencies which actually engage in any of the aforementioned works, which are not in receipt of payments from public funds, for the sole purpose and only to the extent of ascertaining their compliance with such rules. Before adoption by the board a copy of such rules and standards proposed to be established shall be furnished upon request to any corporation, organization, institution or agency affected thereby and opportunity to be heard thereon shall be given by the board. The provisions of this subdivision shall be deemed to confer powers upon the board over the affairs and management of a corporation, organization, institution or agency only insofar as it actually engages in any of the aforesaid works. The provisions of this chapter in relation to statistical reports to the department shall apply to all corporations, organizations, institutions and agencies inspected in accordance with this subdivision but only insofar as they engage in any of the aforementioned works.

5. The board or any member or the commissioner may take proofs and hear testimony relating to any matter before the board or the department, or before such member, upon any such visit or inspection. Any member, officer or duly authorized employee of the department shall have full access to the grounds, buildings, books and papers relating to any such institution, and may require from the officers and persons in charge thereof any information he may deem necessary in the discharge of his duties. The board may establish rules according to which, and provide blanks and forms upon which, such information shall be furnished, in a clear, uniform and prompt manner.

6. No such officer or employee shall divulge or communicate to any person without the knowledge and consent of the board or of the commissioner any facts or information obtained pursuant to the provisions of this chapter. On proof of such divulgement or communication such officer or inspector may be removed from office.

7. Any officer, superintendent or employee of any such institution who shall unlawfully refuse to admit any member or officer or inspector of the department, for the purpose of visitation and inspection, or shall refuse or neglect to furnish the information required by the board or any member or any officer or inspector, shall be guilty of a misdemeanor, and be subject to a fine of one hundred dollars for each such refusal or neglect.

8. The rights and powers conferred by this section may be enforced by an order of the supreme court after notice and hearing, or by indictment by the grand jury of the county, or both; and in the case of a state institution in the department, they may be enforced also in such manner as the rules of the board may prescribe.

§ 22. **Information to be sought on visits or inspections.** Upon visitation or inspection of any institution under this article, inquiry may be made to ascertain:

1. Whether the objects of the institution are being accomplished.

2. Whether the laws and the rules of the board and regulations of the department, applicable to it, are fully complied with.

3. Its methods of and equipment for industrial and scholastic education and for moral training, and whether the same are best adapted to the needs of its inmates or beneficiaries.

4. Its methods of government and discipline of its inmates or beneficiaries.

5. The qualification and general conduct of its officers and employees.

6. The condition of its grounds, buildings and other property.

7. The sources of public moneys received by any institution in receipt of public funds and the management and condition of its finances generally.

8. Any other matter connected with or pertaining to its usefulness and good management or to the interests of its inmates or beneficiaries.

§ 23. **Investigations of institutions.** The board may direct an investigation, by a committee of one or more of its members or by the commissioner of the affairs and management of any institution, society or association as subject under the constitution to its visitation, inspection or supervision, or of the conduct of its officers and employees. Persons designated to make such investigation are empowered to issue compulsory process for the attendance of witnesses and the production of papers, to administer oaths, and to examine persons under oath, and to exercise the same powers in respect to such proceeding as belong to referees appointed by the supreme court.

§ 24. **Orders of board directed to institutions.** If it shall appear, after such investigation, that inmates of the institution are cruelly, negligently or improperly treated, or inadequate provision is made for their sustenance, clothing, care, supervision or other condition necessary to their comfort and well being, the board may issue an order, in the name of the people, and under its official seal, directed to the proper officers or managers of such institution, requiring them to modify such treatment or apply such remedy or both, as shall therein be specified. Before such order is issued, it must be approved by a justice of the supreme court, after such notice as he may prescribe and an opportunity to be heard, and any person to whom such an order is directed who shall wilfully refuse to obey the same, shall, upon conviction, be adjudged guilty of a misdemeanor. This section shall not apply to state institutions in the department. As to such institutions, orders of the department may be enforced in such manner as the rules of the board may prescribe.

§ 25. **Correction of evils in administration of institutions.** The board shall call the attention of the trustees, directors or managers of any such institution, society or association, subject to its supervision, to any abuses, defects or evils which may be found therein, and such officers shall take proper action thereon, with a view to correcting the same, in accordance with the advice of the board.

§ 26. **Delegation of visitation, inspection and supervision power.** Visitations, inspections and supervision authorized by this chapter may be made by a member or members of the board or by authorized members of its staff in the department.

§ 27. **Duties of the attorney-general and district attorneys.** If, in the opinion of the board or any three members thereof, any matter in regard to the management or affairs of any such institution, society or association, or any inmate or person in any way connected therewith, require legal investigation or action of any kind, notice thereof may be given by the board, or any three members thereof, to the attorney-general, and he shall thereupon make inquiry and take such proceedings in the premises as he may deem necessary and proper. It shall be the duty of the attorney-general and of every district attorney when so required to furnish such legal assistance, counsel or advice as the board may require in the discharge of its duties.

§ 28. **Gifts and bequests.** The department shall receive and retain, when accepted by the board by a resolution duly entered on its minutes, any money or other personal property given or bequeathed to the board or the department or a division or bureau thereof and to expend the same in accordance with the general powers and duties of the department for the purposes for which it is given or, if unaccompanied by conditions or limitations, for such purposes as the board shall prescribe.

§ 29. **Federal agency.** The department, upon resolution of the board, and with the approval of the governor, may accept a designation from, and act as, the agent of the federal social security board or other duly authorized federal agency in the administration of relief and related activities, activities affecting the welfare of individuals and communities, and the disbursement or expenditure of federal funds or commodities in relation thereto within the state of New York.

As amended by L. 1946, *C.* 266, *eff. March* 30, 1946.

§ 30. **Continuation of salaries of local and state welfare employees receiving training for the better performance of their duties.** Subject to the approval of the department, the board of supervisors of a county and the appropriating body of a city or town may include in its appropriations moneys for the continuation of the salaries of their local welfare employees who are on leave receiving additional training for the better performance of their duties, provided that no such salaries shall be so continued to a greater extent than will reimburse such employee for the loss of earnings while on such leave. Salaries of the employees of the department may be continued in a similar fashion.

§ 31. **Fellowships and scholarships for local and state public welfare employees.** The department, under regulations which it shall prescribe, and from moneys received or appropriated for such purpose, is authorized to grant fellowships and scholarships to local and state public welfare employees to enable them to receive additional training for the better performance of their duties.

§ 32. **Reciprocal agreements.** The department is authorized to enter into reciprocal agreements with corresponding state agencies of other states regarding interstate transportation of dependent and indigent persons, and to arrange with the proper officials in this state for the acceptance, transfer and support of persons receiving public assistance and care in other states in accordance with the terms of such reciprocal agreements, but this state shall not nor shall any county or other political subdivision of this state be committed to the support of persons who are not, in the opinion of the department, entitled to public support by the laws of this state. No agreement made pursuant to the provision of this section shall become effective until the attorney-general has approved its form and sufficiency and determined its legal effect.

§ 33. **Contracts for supplies and commodities needed in the administration of assistance.** The department may

(a) make agreements for supplies and commodities needed in the administration of assistance and care, under which local welfare units may, subject to the approval of the department, purchase such supplies and commodities; and

(b) in accordance with requisitions duly approved by the superintendent of standards and purchase, purchase as the agent of local welfare units and on their request, supplies or commodities needed in the administration of assistance and care and make pay-

ments therefor after making proper deductions from state reimbursements due the local units which avail themselves of the provisions of this subdivision.

§ 34. **General powers and duties of the commissioner.** 1. The commissioner of social welfare shall be the chief administrative and executive officer of the department.

2. All the administrative and executive powers and duties of the department shall be vested in the commissioner, to be administered within the rules and subject to the policies and in accordance with the principles established by the board.

3. The commissioner shall

(a) continue to have, exercise, and perform the functions, powers and duties conferred by law upon the commissioner of social welfare;

(b) execute and issue the determinations, decisions, orders, notices, licenses and certificates of the department as may be required in the exercise and performance of the functions, powers and duties conferred upon or vested in the department;

(c) take cognizance of the interests of health and welfare of the inhabitants of the state who lack or are threatened with the deprivation of the necessaries of life and of all matters pertaining thereto;

(d) exercise general supervision over the work of all local welfare authorities to the end that they may conform to the general principles and policies of the board;

(e) be charged with the enforcement of this chapter and the rules of the board and regulations of the department within the state and in the local governmental units.

4. The commissioner or any official by him authorized so to do

(a) may conduct any inquiry pertinent or material to the discharge of the duties imposed upon him by law;

(b) upon approval by the board, is hereby empowered to subpoena witnesses, administer oaths, take testimony and compel the production of such books, papers, records and documents as may be relevant to any such investigation.

5. The board is empowered to adopt rules conferring upon the commissioner such additional powers and duties as may be required for the effective administration of the department and of the state system of public aid and assistance.

§ 35. **Certificates of incorporation.** 1. No certificate of incorporation shall hereafter be filed which includes among its corporate purposes the care of destitute, delinquent, abandoned, neglected or dependent children; the establishment or maintenance of any hospital, infirmary, dispensary, clinic, home, or institution for convalescent, invalid, aged or indigent persons, or lying-in asylum where women may be received, cared for or treated during pregnancy or during or after delivery, or the placing-out or boarding-out of children or two or more of such purposes, except with the written approval of the board and of a justice of the supreme court endorsed on or annexed to the certificate of incorporation.

2. Where such approval has not been obtained the board may institute and maintain an action in the supreme court through the attorney-general to procure a judgment dissolving and vacating or annuling the certificate of incorporation of

(a) any such corporation, or

(b) of any corporation hereafter incorporated the name, purposes, objects or the activities of which in any manner may lead to the belief that the corporation possesses or may exercise any of such purposes.

As amended by L. 1941, *C.* 346, *eff. March* 1, 1941.

§ 36. **Studies.** The department shall, in so far as available appropriations will permit, study and collect information in relation to

(a) the number and conditions of persons who lack or are threatened with the deprivation of the necessaries of life, or seek, or are receiving public assistance or care and all matters pertaining thereto, including the causes thereof and advise measures for their relief, and also for the relief of those in receipt of aid from private charity;

(b) unemployment, poverty, economic distress and other problems of social welfare generally as may be useful in the discharge of its duties or contribute to the promotion of social and economic security;

(c) the number of recipients of aid in, and the receipts and expenditures of, each public welfare and old age assistance district;

(d) juvenile delinquency, dependency and local conditions relative thereto;

(e) the property, receipts, expenditures and activities of all institutions subject to the visitation of the board and the number of and condition of their inmates and beneficiaries;

(f) such other matters in respect to public and private charities as the board may deem advisable;

and shall publish such information as it deems of public concern and which may be of value in the performance of its duties.

As amended by L. 1941, *C.* 82, *eff. March* 1, 1941.

§ 37. **Reports of and to department.** 1. The department may collect and, so far as it shall deem advantageous, embody in its annual reports information relating to the best manner of dealing with those who require assistance from public funds, or who receive aid from private charity and represent its views as to the best methods of caring for dependent and delinquent children and such other matters as the board may deem advisable.

2. All officers of institutions subject to the visitation of the board shall furnish to the department, on forms provided by the department, such information and statistics as it may require, within thirty days from the expiration of the state fiscal year or such other fiscal period as may be designated by the department; and every person who refuses or neglects to do so, in violation of this section, without reasonable excuse, shall be subject to a penalty of one hundred dol-

lars, to be sued for in the name of the people by the attorney-general of the state, upon his receiving written notice from the department of such refusal or neglect.

3. The annual report of the department may, in the discretion of the board, present the designs and plans and the general estimates for buildings and improvements which the board may deem necessary for any state institution in the department.

§ 38. **Commission for the blind.** The New York state commission for the blind shall continue to exercise and perform its duties, as prescribed by law, subject to the supervision and control of the board; and such commission shall be a bureau of the department.

§ 39. **Indian affairs.** Powers and duties, if any, conferred or imposed, in terms, by laws now in force, on the governor, commissioners of the land office and the superintendent of purchase or fiscal supervisor of state charities, so far only as they relate to affairs of Indians, or on the commissioner of education, so far only as they relate to affairs of Indians other than the education of children upon the Indian reservations, except such powers and duties, if any, as may have been conferred or imposed, in terms, on either of such officers, in relation to such affairs, by laws enacted and in effect since July first, nineteen hundred and twenty-four, shall continue to be exercised and performed by the department, instead of by the officers named.

ARTICLE 3

Local Public Welfare Organization; Powers and Duties

Title 1. Application (§§ 51–58).
2. Public welfare districts and their responsibility for public assistance and care (§§ 61–62).
3. County public welfare districts (§§ 65–73).
3-A. Integration of local public welfare administration (§§ 74–75-a).
4. City public welfare districts (§§ 76–77).
5. Records, reports, funds and appropriations (§§ 80–94).
6. Powers to enforce support (§§ 101–110).

TITLE 1

Application

Section 51. Albany county.
52. Erie county.
53. Onondaga county.
54. Westchester county.
55. Certain towns in Broome county.
56. City public welfare districts.
57. Cities in county public welfare districts.
58. Application.

§ 51. **Albany county.** The provisions of law by which the commissioner of charities appointed in the city of Albany is ex

officio the superintendent of the almshouse in the city and county of Albany, with authority of a superintendent of the poor for such county, are continued and such officer shall hereafter be known as county commissioner of public welfare, and shall have all of the powers and duties of a county commissioner of public welfare under this chapter.

§ 52. **Erie county.** The provisions of chapter two hundred and ninety-three of the laws of nineteen hundred thirteen, as amended by chapter seven hundred and thirteen of the laws of nineteen hundred twenty-three, conferring upon the commissioner of charities and corrections of the county of Erie all the rights, powers, authority, jurisdiction and duties formerly possessed or devolving upon the superintendent of the poor of the county of Erie are hereby **repealed** and such rights, powers, authority, jurisdiction and duties shall hereby devolve upon the Erie county board of social welfare which shall administer the public assistance and care for which the county public welfare district is responsible and shall have general supervision and care of persons in need in its territory as hereinafter provided, and which shall have authority to make commitments to the Erie county home.

The county of Erie shall be subject to the provisions of this chapter relating to the county public welfare districts and the care and support of the needy within such districts except that the Erie county board of social welfare shall have no right, power, authority, jurisdiction, nor duties now possessed by the board of social welfare of the city of Buffalo, except as hereinafter provided. Said city board and said city of Buffalo shall continue to possess all the rights, powers, authority, jurisdiction and duties in relation to providing for and defraying expenses of veteran assistance for veterans residing within said city, and home relief, medical care given at home, burial of the indigent dead, except in cases of death through violence, for any local charge residing or found in said city, and for hospital care for any local charge residing or found in said city whose last continuous residence of six months in the two years prior to the granting of such care was in said city, except defective or physically handicapped children and children born out of wedlock, for whom the said Erie county board of social welfare and the county of Erie shall make provisions. Such other and additional rights, powers, authority, jurisdiction and duties now had, possessed and imposed upon such city and upon said city board of social welfare by the provisions of the city charter and the ordinances shall continue to be possessed by said board and said city, anything to the contrary in this chapter notwithstanding; provided, however, that the common council of the city of Buffalo may by ordinance or resolution determine to transfer to the Erie county board of social welfare such powers and duties relating to home relief, veteran assistance, burial of the indigent dead and hospitalization, and when the board of supervisors of Erie county has by resolution accepted such transfer, such powers and duties shall thereafter be exercised and administered by the Erie county

board of social welfare. Except as hereinabove provided the provisions of chapter two hundred and ninety-three of the laws of nineteen hundred thirteen, as amended by chapter seven hundred and thirteen of the laws of nineteen hundred twenty-three, are hereby continued.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 53. **Onondaga county.** The commissioner of public welfare of Onondaga county shall have all the powers and duties of a commissioner of public welfare under this chapter, except as modified by the provisions of chapter two hundred and thirty-five of the laws of nineteen hundred eleven and chapter one hundred and forty-five of the laws of nineteen hundred eighteen, relating to Onondaga county.

§ 54. **Westchester county.** Chapter two hundred and forty-two of the laws of nineteen hundred sixteen, entitled "An act to create the office of a commissioner of public welfare in Westchester county and prescribe his powers and duties," as amended by chapter six of the laws of nineteen hundred seventeen and chapter four hundred and fifty-seven of the laws of nineteen hundred twenty-one, is hereby continued. The county of Westchester shall be subject to the provisions of this chapter relating to county public welfare districts, and the commissioner of public welfare shall have such of the powers and duties of a county commissioner of public welfare under this chapter as do not conflict with the powers and duties heretofore given him by said laws relating to Westchester county. Notwithstanding any provision of this chapter, all commitments to institutions and care of needy children chargeable to a city in the county of Westchester shall be made in accordance with the provisions of sections five and six of said chapter relating to Westchester county.

§ 55. **Certain towns in Broome county.** 1. The towns in Broome county which have a population of thirty thousand or more, and which, prior to the effective date of this section, assumed and exercised by lawful authority the powers and responsibilities of a city in a county public welfare district, or any power or responsibility which such a city could then have assumed, shall continue to have all such powers and responsibilities, subject to the provisions of title three-a of article three of this chapter.

2. The provisions of this section shall not be deemed:

(a) to authorize any town in Broome county which has a population of thirty thousand or more to assume, after the effective date of this section, any powers and responsibilities which it could have assumed prior to such date; or

(b) to prohibit such a town from performing and exercising any function, power or duty consistent with the option it elects, pursuant to the provisions of title three-a of article three of this chapter.

Added by L. 1946, *C.* 200, *eff. April* 1, 1946; *former section* 55 *repealed by same law.*

§ 56. **City public welfare districts.** The cities of New York, Kingston, Oswego, Poughkeepsie, Auburn and Newburgh shall have all the powers and duties of a public welfare district insofar as consistent with the provisions of the special and local laws relating to such cities. The officers thereof charged with the administration of public assistance and care shall have additional powers and duties of a commissioner of public welfare not inconsistent with the laws relating to said cities.

As amended by L. 1941, C. 499, eff. Nov. 1, 1941.

§ 57. **Cities in county public welfare districts.** Each city, other than those constituted city public welfare districts, shall form part of the county public welfare district of the county in which it is situated. Such a city shall have all the powers and responsibilities mentioned in subdivision two of section sixty-nine, and such additional powers and responsibilities as it lawfully assumed prior to the date this section takes effect; provided, however, that the exercise of such powers on and after January first, nineteen hundred forty-seven shall be consistent with the option it elects pursuant to the provisions of title three-a of article three. On and after the date this section takes effect, a city forming part of a county public welfare district shall not assume any powers and responsibilities in addition to those specified in subdivision two of section sixty-nine, except pursuant to the provisions of said title three-a of article three.

As added by L. 1946, C. 200, eff. April 1, 1946; former section 57 repealed by same law.

§ 58. **Application.** Nothing in this chapter shall be deemed to take away the jurisdiction or any power or duty of children's courts, the department, the state department of education or the state department of health.

As amended by L. 1946, C. 200, eff. April 1, 1946.

TITLE 2

PUBLIC WELFARE DISTRICTS AND THEIR RESPONSIBILITY FOR PUBLIC ASSISTANCE AND CARE

Section 61. Public welfare districts.
62. Responsibility for public assistance and care.

§ 61. **Public welfare districts.** For the purpose of administration of public assistance and care the state shall be divided into county and city public welfare districts as follows:

1. The cities of New York, Kingston, Oswego, Poughkeepsie, Auburn and Newburgh are each hereby constituted a city public welfare district.

2. The territory of (a) the county of Dutchess, exclusive of the city of Poughkeepsie, (b) the territory of the county of Orange, exclusive of the city of Newburgh, (c) the territory of the county of Oswego, exclusive of the city of Oswego, (d) the territory

of the county of Ulster, exclusive of the city of Kingston, and (e) the territory of the county of Cayuga, exclusive of the city of Auburn, shall each constitute a county public welfare district.

3. Each of the counties of the state not included in subdivisions one and two of this section is hereby constituted a county public welfare district.

Subdivisions 1 and 2 as amended by L. 1941, C. 499, eff. Nov. 1, 1941.

§ 62. **Responsibility for public assistance and care.** 1. Subject to reimbursement in the cases hereinafter provided for, each public welfare district shall be responsible for the assistance and care of any person who resides or is found in its territory and who is in need of public assistance and care which he is unable to provide for himself.

2. A public welfare district shall be entitled to reimbursement by another public welfare district for hospital or other institutional care provided for a person who is a local charge and whose last continuous residence of six months in the two years prior to the granting of such hospital or other institutional care was in a town or city within the territory of such other public welfare district.

3. The state shall reimburse each public welfare district for the full cost of the assistance and care of any needy person who is a state charge.

4. The state shall reimburse each public welfare district for the full cost of any assistance and care, except care in a tuberculosis hospital or sanitarium and except hospital or other institutional care for which another public welfare district is responsible, granted to a person with state residence under any of the following conditions:

(a) for public assistance and care granted by a public welfare district in which a tuberculosis hospital or sanitarium is located, within five years of the date of admission to such hospital or sanitarium of a person who was not a resident of such district immediately prior to such date, either

(1) to the person so admitted, after he leaves such hospital or sanitarium and while he remains in such public welfare district, or

(2) to any member of the family of the person so admitted who became a resident of such public welfare district on or subsequent to the date of such admission, either while such person remains in such hospital or sanitarium or, thereafter, if such person and such member of his family remain in such public welfare district;

(b) for public assistance and care granted by a public welfare district, within five years of the date a person afflicted with tuberculosis becomes a resident of such district, to:

(1) the person so afflicted; or

(2) any member of the family of such person who became a resident of such public welfare district on or after such date;

(c) for public assistance and care granted by a public welfare district in which a veteran's facility is located or by a public welfare district bordering such district, within five years of the date of admission of a veteran to such facility, to any member of the

family of such veteran who became a resident of such public welfare district on or after the date of admission of such veteran to such facility but only in the event that such veteran and such member were not residents of such district prior to the date of such admission;

(d) for public assistance and care granted by a public welfare district in which a military reservation is located within five years of the date a person in the armed forces is assigned to duty on such reservation, to any member of the family of such person who becomes a resident of such district on or after the date of such assignment, but only in the event that such person and such member were not residents of such district prior to such date.

5. This section is subject to the following exceptions:

(a) A county public welfare district, one or more cities of which has or have elected to become city old age assistance districts, shall not be responsible for old age assistance for which such city old age assistance district or districts is or are responsible.

(b) Notwithstanding any other provisions of this chapter, a public welfare official administering old age assistance, assistance to the blind, or aid to dependent children may, but shall not be required to, continue such assistance for a period not to exceed two months in the event a recipient otherwise eligible therefor becomes a resident of another district in the state.

(c) If a public welfare district, town or city provides care for a person in a family home, boarding home, nursing home, hospital or institution outside of its territory and pays for such care directly or through a grant made to the recipient, the public welfare district, town or city making such provision shall continue to be responsible for payment for such care as long as the recipient is in need thereof. In the event any other type of public assistance and care is needed by a person receiving such care, it shall be furnishd and paid for by the public welfare district, town or city which would be responsible for such required assistance and care if such person had remained in the territory of the district, town or city making such provision; the public welfare district, town or city making such provision shall likewise be responsible for the care, removal and burial of the body of any such person who shall die, and the expense thereof.

The provisions of this paragraph shall not be deemed to authorize or empower towns or cities of a county public welfare district to exercise responsibilities with relation to public assistance and care inconsistent with the responsibilities imposed or conferred on them by other provisions of this chapter.

As added by L. 1946, *C.* 200, *eff. April* 1, 1946; *former section* 62 *repealed by same law.*

TITLE 3

COUNTY PUBLIC WELFARE DISTRICTS

Section 65. County commissioners of public welfare.
66. County appointments and bonds.
67. Town public welfare officers; appointment of staff.
68. City public welfare officers; appointment of staff.
69. Responsibility for public assistance and care in a county public welfare district.
70. Chargeback of the cost of assistance and care.
71. Commitments.
72. Power of the board of supervisors to assume responsibility for assistance and care.
73. Power of the board of supervisors to change the administrative system of the county public welfare district.

§ 65. **County commissioners of public welfare.** 1. There shall be a county commissioner of public welfare in each county public welfare district who shall administer the public assistance and care for which the county public welfare district is responsible and shall have general supervision and care of persons in need in the territory over which he has jurisdiction.

2. The county commissioner shall be responsible for the administration of all the assistance and care for which the county is responsible and for the authorization of payments to another public welfare district for hospital care or other institutional care given by such other district to a local charge for whose hospital care or other institutional care his public welfare district is responsible.

3. The county commissioner shall act as the agent of the department in all matters relating to assistance and care administered or authorized by the town public welfare officers.

4. The county commissioner shall be elected or appointed in accordance with the provisions of law relating to the election or appointment of a county official charged with the care of the needy in such county.

5. The county commissioner shall be responsible for submitting to the department on or before December second, nineteen hundred forty-six, a plan outlining the methods and standards of administration of public assistance and care which is proposed to be in effect in the county public welfare district on and after January first, nineteen hundred forty-seven. The plan shall include:

(a) provision for ready access to services on the part of applicants for or recipients of public assistance and care in the county;

(b) provision for integration of social service staff;

(c) provision for establishing standards of assistance and care;

(d) provision for assurance of needed service, assistance or care to eligible persons regardless of the rate of state reimbursement for such service, assistance or care, if any;

(e) a description of the methods of administering public assistance and care within the towns and cities located in the county public welfare district;

(f) provision for maintenance of adequate office facilities and arrangements for full time service to applicants in the towns in which home relief is a town charge; and

(g) such other provisions as may be required by the department.

6. At least thirty days prior to the effective date of any proposed change in the administration of public assistance and care in a county public welfare district, the county commissioner of public welfare, on behalf of the county public welfare district, shall file with the department, in accordance with its requirements, either an amendment to the county plan previously filed and approved or a new plan. All new or amended plans shall include all the provisions mentioned in subdivision five.

Subdivisions 2, 5 *and* 6a *added by L.* 1946, *C.* 200, *eff. April* 1, 1946; *former subdivision* 2 *repealed by same law.*
Subdivision 3 *as amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

§ 66. **County appointments and bonds.** 1. The board of supervisors of the county may authorize the appointment of any number of deputy commissioners of public welfare, other assistants and employees it considers necessary to carry out the provisions of this chapter.

2. The county commissioner shall appoint deputy commissioners, assistants and employees so authorized and direct their work.

3. Each county commissioner and deputy commissioner shall be required to give bond before entering upon his duties. The board of supervisors shall fix the amount of such bond and may require and fix the amount of bond to be given by any other assistant or employee whose appointment is authorized. The expense of any bond required in connection with the work of a county public welfare official or employee shall be paid from county public welfare funds.

§ 67. **Town public welfare officers; appointment of staff.** 1. The town board of each town responsible for the expense of providing home relief and medical care given at home for persons residing or found in such town shall appoint a public welfare officer or authorize a supervisor of the town to act as such official. It may in its discretion appoint an assistant town public welfare officer and other employees to assist the town public welfare officer in carrying out his duties. The town public welfare officer, his assistant and other employees shall hold office during the pleasure of the town board. The town board shall fix the salary to be paid a town public welfare officer, his assistant or other employees or fix the amount per hour to be paid them when they are performing any duty connected with their office.

2. The town public welfare officer shall be responsible for the authorization of the assistance and care for which the town is responsible and shall assist the county commissioner in the administration of assistance and care to persons residing or found in his town for whose care the county public welfare district is

responsible. He shall receive all applications for public assistance and care left with him by residents of his town, and he shall forward each such application to the county commissioner immediately after the receipt of the same. He shall have all the powers and perform all the duties of a public welfare official applicable to the work hereby assigned.

3. In case of emergency and until it is possible for the county commissioner either to take charge of the case or to make a complete investigation, the town public welfare officer may grant such temporary assistance and care as may be necessary. All such grants made by the town public welfare officer shall be made in accordance with the rules and regulations of the department and the regulations established by the county commissioner of public welfare.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 68. **City public welfare officers; appointment of staff.** 1. In a city which is part of a county public welfare district, the officer, officers, board or commission elected or appointed to administer public assistance and care under the provisions of any general, special or local law relating to such city shall have the powers and perform the duties of a city public welfare officer as defined by this chapter.

2. The city public welfare officer shall be responsible for the administration of all the assistance and care for which his city is responsible, except as otherwise provided by or pursuant to title three-a of this article, and shall assist the county commissioner in the administration of assistance and care to persons residing or found in his city for whom the county public welfare district is responsible. He shall have all the powers and perform all the duties of a public welfare official applicable to such work.

Subdivision 2 *as amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

3. The city public welfare officer shall appoint deputy commissioners, assistants and employees authorized by the legislative body and shall direct their work.

4. (a) On or before November fifteenth, nineteen hundred forty-six, the city public welfare officer shall submit to the county commissioner of public welfare a plan outlining the methods and standards of public assistance and care which is proposed to be in effect in his city on and after January first, nineteen hundred forty-seven. If, however, his city shall initially elect an option pursuant to title three-a of article three, on or before the fifteenth day of November, nineteen hundred forty-six, he shall, on the day following such election, notify the county commissioner thereof in writing and submit with such notice the plan proposed by the city for the administration of public assistance and care under the option elected.

(b) Whenever a city shall make a subsequent election of an option pursuant to the provisions of such title three-a, the city

public welfare officer shall be responsible for submitting to the county commissioner the plan proposed by the city for the administration of public assistance and care under the option elected. Each such plan shall be submitted within the time prescribed in such title three-a.

Subdivision 4 added by L. 1946, C. 200, eff. April 1, 1946.

§ 69. **Responsibility for public assistance and care in a county public welfare district.** The responsibility for the administration of public assistance and care in a county public welfare district and the expense thereof may either be borne by the county public welfare district or be divided between such district and the towns and cities therein as hereinafter provided.

1. Unless otherwise determined by the board of supervisors as hereinafter provided, each town shall be responsible for the expense of providing home relief and medical care given at home for local charges residing or found in such town.

2. Unless otherwise determined by the board of supervisors as hereinafter provided, a city forming a part of a county public welfare district shall be responsible for the expense of providing home relief and medical care given at home for any local charge residing or found in its territory and for the expense of providing hospital care for any local charge residing or found in the city whose last continuous residence of six months in the two years prior to the granting of hospital care was in such city.

3. A county public welfare district shall be responsible for the expense of providing all assistance and care for local charges residing or found in a town or city in its territory for which such town or city is not responsible under the provisions of subdivisions one and two of this section, and for the assistance and care of any state charge found in its territory. The expense of such assistance and care granted by a county public welfare district shall be subject to reimbursement by the state or another public welfare district in the cases provided for by section sixty-two or by any other provision of this chapter.

As amended by L. 1946, C. 200, eff. April 1, 1946.

§ 70. **Chargeback of the cost of assistance and care.** 1. When in a county public welfare district the cost of:

(a) adult institutional care,

(b) care for any child or minor under the age of eighteen years who is cared for away from his parents,

(c) hospital care,

administered by the county commissioner was subject to a charge-back to the town or city in the county public welfare district in which a person granted such assistance or care had settlement, pursuant to resolution and regulations of the county board of supervisors adopted and established prior to the first day of July, nineteen hundred forty-six, the cost of care in such cases shall be charged back on and after such date unless such resolu-

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tion and regulations are revoked as hereinafter prescribed; provided, however, that on and after such date, such chargeback shall be made as follows: to the town or city in the county public welfare district in which a local charge resided or was found at the time he was granted assistance and care described in (a) or (b); to the town or city in the county public welfare district in which a local charge last resided continuously for six months in the two years prior to the granting of the assistance and care described in (c).

2. The county commissioner shall immediately notify the town or city public welfare officer of any local charge the cost of whose assistance and care is to be charged back to such town or city.

3. The resolution and regulations of the board of supervisors hereinabove referred to may be revoked by resolution of the board of supervisors passed by a majority vote. Within ten days after the adoption of such resolution the clerk of the board of supervisors shall send copies thereof to each town clerk and to the mayor or clerk of each city in the public welfare district.

4. Except as authorized by subdivision one, on and after the first day of July, nineteen hundred forty-six, the cost of assistance and care administered by or on behalf of the county commissioner shall not be charged back to the towns and cities in the county public welfare district.

5. The provisions of this section shall not be deemed to prohibit payments to a county by a city for assistance and care administered by the county for the city pursuant to the provisions of title three-a of article three.

Added by L. 1946, *C.* 200, *eff. April* 1, 1946; *former section* 70 *repealed by same law.*

§ 71. **Commitments.** Commitments to a county home may be made by such town and city public welfare officers as are authorized by the county commissioner. All other commitments to hospitals or other institutions at the expense of the county public welfare district shall be made by the county commissioner, or by such other official as may be authorized pursuant to the provisions of this chapter.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 72. **Power of the board of supervisors to assume responsibility for assistance and care.** 1. The board of supervisors of the county may, by resolution adopted by a majority vote, direct that the cost of all or any part of the assistance and care for which the towns and cities are made responsible under the provisions of subdivisions one and two of section sixty-nine shall be a charge on the county public welfare district and administered under the direction of the county commissioner.

2. The board of supervisors may in like manner revoke a resolution so passed.

3. Copies of any such resolution shall be sent to each town clerk and to the mayor and clerk of each city in the county public welfare district within ten days after the adoption of the resolution. However, no resolution adopted by the board of supervisors pursuant to subdivision one of this section shall take effect in a city in the county public welfare district until confirmed by the legislative body of the city.

Added by L. 1946, *C.* 200, *eff. April* 1, 1946; *former section* 72 *repealed by same law.*

§ 73. **Power of the board of supervisors to change the administrative system of the county public welfare district.** When pursuant to section seventy-two, the board of supervisors has adopted a resolution directing that the cost of all public assistance and care shall be a charge on the county public welfare district.

1. The county public welfare district shall, after the date fixed by such resolution, be responsible for administration of public assistance and care in all of the towns of its district and thereafter all provisions of this chapter as to the powers and duties of towns and of town public welfare officers shall be inoperative in such county public welfare district. The appointment of all town public welfare officers and employees shall terminate on the date when such resolution takes effect.

2. (a) After the effective date of such resolution, any town in the county public welfare district may establish and maintain a service office and appoint and pay a service officer.

(b) Such officer shall receive such compensation as the town board may determine and such compensation shall be borne by the town as a town charge.

(c) The town service officer shall receive on behalf of the county public welfare district every application for public assistance and care left with him, and he shall immediately forward each such application to the county commissioner.

(d) In case of emergency, and until it is possible for the county commissioner to take charge of the case, the town service officer may grant such temporary assistance as may be necessary, provided such grant is made in accordance with the rules and regulations of the state and county departments.

(e) The town service officer shall immediately notify the county commissioner of any emergency assistance granted by him and the amount thereof.

(f) In the event a service officer is not appointed by a town, the supervisor may be designated by the town board to perform and exercise the powers and duties of a town service officer.

(g) The county commissioner may empower a town service officer to act as his agent in providing emergency assistance or in authorizing other emergency care. The county public welfare district shall pay the cost of such assistance and care.

3. (a) If a city in the county public welfare district shall confirm, by act of its legislative body, the resolution of the board

of supervisors, the county public welfare district shall, after the date fixed by the resolution of the city legislative body, be responsible for administration of public assistance and care in such city, and thereafter all provisions of this chapter as to the powers and duties of a city in a county public welfare district and of city public welfare officers shall be inoperative in such city. Thereafter, the city may establish and maintain a service office and appoint and pay a service officer to exercise and perform in the city the powers and duties which a town service officer is empowered to exercise and perform in a town.

(b) If the city shall not confirm the resolution of the board of supervisors, it shall be responsible for the administration of assistance and care in its territory and shall be governed by the provisions of this chapter and other laws relating to cities which form part of a county public welfare district and to city public welfare officers, and the city shall, after the date when the resolution of the board of supervisors takes effect elsewhere in the county public welfare district, be responsible for the cost of the public assistance and care administered by it under the provisions of subdivision two of section sixty-nine. The cost of any assistance and care given to local charges residing or found in such city, paid by the county public welfare district under the provisions of subdivision three of section sixty-nine, shall be a charge on the county public welfare district.

4. The board of supervisors shall make such additional appropriations and authorize the appointment of such number of deputy commissioners, other assistants and employees as it may deem necessary to provide adequate administration of the public assistance and care for which the county public welfare district is made responsible under the provisions of this section.

5. Such resolution may, thereafter, be revoked by a subsequent resolution of the board of supervisors adopted by a majority vote. Confirmation of such revocation by any city in the county public welfare district shall not be required.

Added by L. 1946, *C.* 200, *eff. April* 1, 1946; *former section* 73 *repealed by same law.*

TITLE 3-A

INTEGRATION OF LOCAL PUBLIC WELFARE ADMINISTRATION

Section 74. Initial election of options by cities in county public welfare districts.
74-a. Election of options by cities in county public welfare districts subsequent to initial election of options.
74-b. Option I: Administration of assistance by county for city; contract; revolving fund.
74-c. Option II: Administration of assistance by county for city; contract; revolving fund; city service office and officer.

74-d. Option III: Administration of assistance by county for city; reimbursements and advances; cost to county to be raised by tax on taxable property of city and to be included in county tax levy.
74-e. Option IV: Administration of assistance by city, and as agent for county; contract; revolving fund.
74-f. Option V: City administration of home relief, medical and hospital care only.
74-g. Approval of certain county public welfare district plans including provisions for completely integrated public welfare services in the cities of such district.
74-h. Appeals and reviews.
74-i. Transfer of personnel; county, city and town.
74-j. Special provisions for the election of options by certain towns having the powers of a city in a county public welfare district.
75. Right of election of certain cities to become city public welfare districts.
75-a. Right of election of certain towns having the powers of a city in a county public welfare district.

New title 3-A as added by L. 1946, C. 200, eff. April 1, 1946.

§ 74. **Initial election of options by cities in county public welfare districts.** 1. (a) On and after July first, nineteen hundred forty-six each city, other than those constituted city public welfare districts, which is administering and responsible for one or more types of public assistance and care on the date this title becomes effective shall, by action of its legislative body, elect to function for a period of two years under one of the options described in this title commencing January first, nineteen hundred forty-seven. Such election, however, shall not become effective unless confirmed by a resolution passed by a majority vote of the board of supervisors of the county in which the city is located.

(b) In the event such a city does not elect one of the options, or the board of supervisors fails to or does not confirm the election made by the city, on or before November fifteenth, nineteen hundred forty-six, then such city and the county shall, on and after January first, nineteen hundred forty-seven and until December thirty-first, nineteen hundred forty-seven, have the responsibilities described in section seventy-four-d of this title and shall exercise and perform the powers and duties incident thereto. For the purpose of making a subsequent election of options, such city shall be deemed to have elected to operate under Option III for the period mentioned in this paragraph and said period shall be deemed to be the term of the option.

2. When a resolution passed by the board of supervisors directing that the cost of all public assistance and care be made a charge on the county public welfare district and determining that all assistance and care be administered by the county public

welfare district is revoked by said board of supervisors, each city in the county public welfare district which, prior to the effective date of such revocation, was not responsible for public assistance and care shall elect an option in accordance with the provisions of this title.

§ 74-a. **Election of options by cities in county public welfare districts subsequent to initial election of options.** 1. On or before the first day of October, prior to the expiration of the term of the option under which a city shall be functioning, such city shall elect, by action of its legislative body, either to continue to function in accordance with the option then in effect or it shall elect to function under any other option. The term of any such option shall be two years, commencing on January first following the expiration of the term of the option then in effect. Such election, however, shall become effective only if confirmed by the board of supervisors of the county, by resolution passed by a majority vote, on or before the first day of November of the year in which the term of the option then in effect will expire.

2. If, within the time limits prescribed in subdivision one, a city shall fail to elect an option, or the board of supervisors shall fail to or does not confirm the election made by the city, such city shall, on and after January first following the expiration of the term of the option then in effect and for one year thereafter, until December thirty-first, function under Option III, and for the purpose of making a subsequent election of an option, such city shall be deemed to have elected to operate under Option III for the period mentioned in this subdivision, and said period shall be deemed to be the term of the option.

3. (a) On the day following the election of an option by a city, the mayor or the city clerk shall send a written notice of such election to the clerk of the board of supervisors of the county. He shall also send a copy of such notice to the county commissioner of public welfare and the county commissioner shall thereupon notify the department.

(b) In the event a city shall fail to elect an option within the time prescribed, the mayor or city clerk shall on or before the tenth day of October give written notice thereof to the clerk of the board of supervisors and to the county commissioner of public welfare.

(c) On or before the dates the mayor or city clerk are required to send the notices mentioned in (a) and (b) above, the city public welfare officer shall transmit to the county commissioner of public welfare, on behalf of the city, a proposed plan for the administration of public assistance and care in such city. In the event there is no city welfare officer, the city clerk or the mayor shall be charged with the performance of this duty.

(d) In the event the board of supervisors approves or disapproves the election made by a city, on the day following such action by the board of supervisors, the clerk of the board of supervisors shall transmit to the mayor of the city and to the

county commissioner of public welfare a copy of the resolution adopted by the board of supervisors. Within ten days thereafter the county commissioner shall forward a copy of such resolution to the department.

(e) If within the time limit prescribed in subdivision one, the board of supervisors shall fail to act on the election made by a city, the clerk of the board of supervisors shall give written notice thereof, on or before November tenth, to the mayor of the city and to the county commissioner of public welfare; and the county commissioner of public welfare shall immediately thereafter transmit a copy of such notice to the department.

§ 74-b. **Option I. Administration of assistance by county for city; contract; revolving fund.** 1. The city may contract with the county for the county welfare department to administer in and for the city the public assistance and care for the administration of which the city is responsible.

2. The contract shall contain the following minimum provisions:

(a) That the city shall pay over to the county, in advance, for use as a revolving fund, an amount not less than one-fourth of the city's annual appropriation for public assistance and care;

(b) That the city shall at least each month, on presentation by the county of bills and claims verified by the county commissioner of public welfare, reimburse such revolving fund for the amount of said claims expended therefrom for public assistance and care during the preceding month;

(c) That the city shall pay to the county monthly, in advance, such sums as may be agreed upon for administrative costs; and

(d) That any dispute between the city and the county concerning any claim or any part of a claim may be referred by either party to the department, and that the department's determination shall be final and conclusive.

§ 74-c. **Option II: Administration of assistance by county for city; contract; revolving fund; city service office and officer.** 1. The city may contract with the county for the county welfare department to administer in and for the city the public assistance and care for the administration of which the city is responsible.

2. The contract shall contain the following minimum provisions:

(a) That the city shall pay over to the county, in advance, for use as a revolving fund, an amount not less than one-fourth of the city's annual appropriation for public assistance and care;

(b) That the city shall at least each month, on presentation by the county of bills and claims verified by the county commissioner of public welfare, reimburse such revolving fund for the amount of said claims expended therefrom for public assistance and care during the preceding month;

(c) That the city shall pay to the county monthly, in advance, such sums as may be agreed upon for administrative costs; and

(d) That any dispute between the city and the county concerning any claim or any part of a claim may be referred by either party to the department, and that the department's determination shall be final and conclusive.

3. (a) The city may establish and maintain a service office and appoint and pay a service officer. Such officer shall receive such compensation as the city may determine, and such compensation shall be borne by the city as a city charge.

(b) The service officer shall receive on behalf of the county public welfare district every application for public assistance and care left with him, and he shall immediately forward each such application to the county commissioner. He shall exercise and perform in the city the powers and duties which a town service officer is empowered to exercise and perform in a town.

§ 74-d. **Option III: Administration of assistance by county for city; reimbursements and advances; cost to county to be raised by tax on taxable property of city and to be included in county tax levy.** 1. The county shall administer in and for the city the public assistance and care for the administration of which the city is responsible and shall be entitled to all reimbursements and advances against reimbursements on account of the assistance and care so administered to which the city would otherwise be entitled and which would otherwise be payable to the city in accordance with the provisions of this chapter.

2. The cost to the county of all assistance and care thus administered by the county in and for the city shall be a charge against and be levied as a tax upon the taxable property of the city and the amount to be so raised by tax shall be included by the county in its next ensuing tax levy.

3. (a) The city may establish and maintain a service office and appoint and pay a service officer. Such officer shall receive such compensation as the city may determine, and such compensation shall be borne by the city as a city charge.

(b) The service officer shall receive on behalf of the county public welfare district every application for public assistance and care left with him, and he shall immediately forward each such application to the county commissioner. He shall exercise and perform in the city the powers and duties which a town service officer is empowered to exercise and perform in a town.

§ 74-e. **Option IV: Administration of assistance by city, and as agent for county; contract; revolving fund.** 1. The city may:

(a) Continue to administer the public assistance and care for which it is responsible; and

(b) Contract with the county for the city welfare department to administer in the city the public assistance and care for the administration of which the county is responsible.

2. The contract shall contain the following minimum provisions:

(a) That the county shall pay over to the city, in advance, for use as a revolving fund, an amount not less than one-fourth of that portion of the county's annual appropriation for public assistance and care estimated to be necessary to meet the cost of public assistance and care for which the county is responsible in the city;

(b) That the county shall at least each month, on presentation by the city of bills and claims verified by the city welfare official, reimburse such revolving fund for the amount of said claims expended therefrom for public assistance and care during the preceding month;

(c) That the county shall pay to the city monthly, in advance, such sums as may be agreed upon for administrative costs; and

(d) That any dispute between the city and county concerning any claim or any part of a claim may be referred by either party to the department, and that the department's determination shall be final and conclusive.

§ 74-f. **Option V: City administration of home relief, medical and hospital care only.** 1. The city shall be responsible for the expense of providing:

(a) home relief and medical care given at home to local charges residing or found therein;

(b) hospital care to local charges residing or found in the city whose last continuous residence of six months in the two years prior to the granting of such care was in such city.

2. (a) The city shall employ a public welfare officer, and the compensation paid to such officer shall be borne by the city as a city charge.

(b) The city public welfare officer shall:

(1) receive every application for public assistance and care left with him by any person residing or found in the city.

(2) immediately forward to the county commissioner of public welfare, each and every application for public assistance and care received by him.

(3) provided an investigation has been made by the county commissioner of the application for such assistance and care, have the power to authorize:

(a) the granting of home relief and medical care given at home to local charges residing or found in such city.

(b) the granting of hospital care to local charges residing or found in the city whose last continuous residence of six months in the two years prior to the granting of such care was in such city.

(4) have the power, in case of emergency and until it is possible for the county commissioner either to take charge of the case or to make a complete investigation, to grant such temporary assistance and care as may be necessary. All such grants made by the city public welfare officer shall be made in accordance with the rules and regulations of the department and the regulations established by the county commissioner of public welfare.

3. Applications for public assistance and care mentioned in this section shall be investigated by the county commissioner of public welfare or his staff.

§ 74-g. **Approval of certain county public welfare district plans including provisions for completely integrated public welfare services in the cities of such district.** When a county public welfare district shall submit to the department a plan, as required by this chapter, which outlines the methods and standards of administration of public assistance and care which such district proposes to put into effect, and such plan includes such provisions for completely integrated public welfare services in the cities of such district as are acceptable to the department, no provision of this chapter shall be deemed to prevent or prohibit the department from approving such plan.

§ 74-h. **Appeals and reviews.** 1. (a) A public welfare official responsible in an individual case for either the authorization of assistance or the investigation of the application for assistance and the making of a recommendation relative to such application shall have the right to appeal to the department from a decision made in such case by another public welfare official.

(b) A city or town service officer shall likewise have the right to appeal to the department from any decision made by any public welfare official in any case in which an application for assistance and care is made by or a grant of assistance is made to any person residing or found within such city or town, as the case may be.

(c) Upon receiving such an appeal, the department shall issue a written determination which shall be binding on all the public welfare officials and service officers involved in such appeal.

2. The department on its own motion may review any case for the purpose of determining whether assistance and care has been adequately or properly provided. After making such a review, the department may issue such written determination as it may deem proper, and such determination shall be binding on all the public welfare officials and service officers concerned.

§ 74-i. **Transfer of personnel; county, city and town.** 1. When, pursuant to the provisions of this chapter or of any other law, the functions, powers and duties exercised by a city or town in the administration of public assistance and care, are transferred or assigned, in whole or in part, to a county, provision shall be made for the county to employ so much of the staff employed by such city or town in the administration and execution of the functions, powers and duties so transferred or assigned as may be practicable and necessary. Officers and employees shall be transferred without further examination or qualification and they shall retain their respective civil service classification and status provided that, in determining the officers and employees to be transferred to a county, such officers and employees shall be selected within each grade of each class of positions in the order of their original appointment in the service of the city or town, as the case may be. Officers and employees in the competitive class of the civil service of the city or town who are not transferred to the county shall have their names

entered upon appropriate city or town preferred lists, as the case may be, pursuant to section thirty-one of the civil service law. Temporary and provisional employees may be transferred and shall, thereafter, be subject to such examinations as are required by law. If the functions transferred are retransferred in accordance with the provisions of this chapter, upon such retransfer, the officers or employees who were transferred and who are employed by the county on the date of such retransfer shall likewise be retransferred; and, thereafter, they shall be deemed officers and employees of the city or town from which they were originally transferred, and they shall retain their civil service status, rights and privileges.

2. When, pursuant to the provisions of this chapter, the functions, powers and duties exercised by a county in the administration of public assistance and care are transferred or assigned, in whole or in part, to a city or are assumed in part by a city or town which elects, pursuant to this chapter or any other law, to constitute itself a public welfare district, provisions shall be made for the city or town to employ so much of the staff employed by such county in the administration and execution of the functions, powers and duties so transferred, assigned or assumed as may be practicable and necessary. Officers and employees shall be transferred without further examination or qualification and they shall retain their respective civil service classification and status provided that, in determining the officers and employees to be transferred to the city or town, such officers and employees shall be selected within each grade of each class of positions in the order of their original appointment in the service of the county. Officers and employees in the competitive class of the civil service of the county who are not transferred to the city or town shall have their names entered upon appropriate county preferred lists, pursuant to section thirty-one of the civil service law. Temporary and provisional employees may be transferred and shall, thereafter, be subject to such examinations as are required by law. If the functions transferred are retransferred in accordance with the provisions of this chapter, upon such retransfer, the officers and employees who are transferred and who are employed by the city on the date of such retransfer shall likewise be retransferred; and, thereafter, they shall be deemed officers and employees of the county, and they shall retain their civil service status, rights and privileges.

§ 74-j. **Special provision for the election of options by certain towns having the powers of a city in a county public welfare district.** The provisions of this title with respect to the election of options by cities in county public welfare districts shall apply to towns having the powers of a city in a county public welfare district.

Sections 74, 74-*a*-74-*j added by L.* 1946, *C.* 200, *eff. April* 1, 1946; *section* 74-i *as amended by L.* 1946, *C.* 201, *eff. April* 1, 1946.

§ 75. **Right of election of certain cities to become city public welfare districts.** 1. Each city of the state having a population of fifty thousand or more according to the federal census taken in the year nineteen hundred forty, other than one now constituted a city public welfare district, which is responsible for and administering one or more types of public assistance and care on the date this title becomes effective, may, by action of its legislative body, taken not later than November fifteenth, nineteen hundred forty-six, elect to constitute itself a city public welfare district and, in the event of such election, such city shall become and be constituted a city public welfare district on and after January first, nineteen hundred forty-seven, subject to all of the provisions of this chapter relating to city public welfare districts and the provisions of this title shall not thereafter apply to such city. The public welfare official in said city shall be responsible for submitting to the state department the plan required by subdivision five of section seventy-seven of this chapter within the time limited therefor by such subdivision.

2. Each such city failing to make such election shall be subject to and shall comply with the provisions of this title otherwise applicable to such cities.

§ 75-a. **Right of election of certain towns having the powers of a city in a county public welfare district.** 1. Each town having a population of fifty thousand or more according to the federal census taken in the year nineteen hundred forty, which has the powers of a city in a county public welfare district, may, by action of its legislative body, taken not later than November fifteenth, nineteen hundred forty-six, elect to constitute itself a town public welfare district and, in the event of such election, such town shall become and be constituted a town public welfare district on and after January first, nineteen hundred forty-seven, subject to all the provisions of this chapter relating to city public welfare districts and the provisions of this title shall not thereafter apply to such town. The public welfare official of said town shall be responsible for submitting to the state department the plan required by subdivision five of section seventy-seven of this chapter within the time limited therefor by such subdivision.

2. Each such town failing to make such election shall be subject to and shall comply with the provisions of this title otherwise applicable to towns having the powers of a city in a county public welfare district.

Sections 75 *and* 75-*a added by L.* 1946, *C.* 200, *eff. April* 1, 1946.

TITLE 4

CITY PUBLIC WELFARE DISTRICTS

Section 76. Powers and duties of city public welfare districts.
77. City commissioners of public welfare; appointment of staff.

§ 76. **Powers and duties of city public welfare districts.** A city public welfare district shall be responsible in its territory for the administration of public assistance and care and the expense incident thereto. It shall be entirely independent of the county public welfare district of the county in which it is situated, and it shall have the powers and duties of a public welfare district under the provisions of this chapter.

Added by L. 1946, *C.* 200, *eff. April* 1, 1946; *former section* 76 *repealed by same law.*

§ 77. **City commissioners of public welfare; appointment of staff.** 1. There shall be a city commissioner of public welfare in each city public welfare district, who shall administer the public assistance and care for which the city public welfare district is responsible.

2. The officer, officers, board or commission, elected or appointed to administer public assistance and care in a city which is constituted a city public welfare district, shall have the powers and perform the duties of the city commissioner of public welfare.

3. When the duties of a city commissioner are by the provisions of special or local law relating to the city assigned to more than one department of the city government, the administrative officer of each such department shall have such of the powers and perform such of the duties of a city commissioner as may be applicable to the work assigned to such department, and all the provisions of this chapter shall be so interpreted.

4. The city commissioner of public welfare shall appoint deputy commissioners, assistants and employees authorized by the legislative body of the city and shall direct their work.

5. The city commissioner of public welfare shall be responsible for submitting to the state department on or before December second, nineteen hundred forty-six, a plan outlining the methods and standards of administration of public assistance and care which is proposed to be in effect in the city public welfare district, on and after January first, nineteen hundred forty-seven. The plan shall include:

(a) provision for ready access to services on the part of applicants for or recipients of public assistance and care in the city;

(b) provision for integration of social service staff;

(c) provision for establishing standards of public assistance and care;

(d) provision for assurance of any and all needed service, assistance or care to eligible persons, regardless of the rate of state reimbursement for such service, assistance or care, if any;

(e) provision for the maintenance of adequate office facilities and arrangements for full time service to applicants in the city;

(f) such other provisions as may be required by the department.

6. At least thirty days prior to the effective date of any proposed change in the administration of public assistance and care in a city public welfare district, the city commissioner, on behalf of the city public welfare district, shall file with the department, in accordance with its requirements, either an amendment to the city plan previously filed and approved or a new plan. All new or amended plans shall include all the provisions mentioned in subdivision five.

Subdivisions 5 and 6 added by L. 1946, C. 200, eff. April 1, 1946.

TITLE 5

RECORDS, REPORTS, FUNDS AND APPROPRIATIONS

Section 80. Records.
81. Reports.
82. Accounts.
83. County public welfare funds.
84. County commissioner's incidental fund.
85. Monthly reports of county commissioner to county treasurer.
86. Town public welfare funds.
86-a. City public welfare funds.
87. Special funds.
88. Responsibility for adequate appropriations.
89. Estimates in county public welfare districts.
90. Appropriations in county public welfare districts.
91. Estimates and appropriations in city public welfare districts.
92. Deficiency appropriations.
93. Provisions for financing home relief.
94. Federal surplus commodities.

§ 80. **Records.** All public welfare officials and service officers shall keep the records required by this chapter and the department.

As amended by L. 1946, C. 200, eff. April 1, 1946.

§ 81. **Reports.** 1. The county commissioner shall make: (a) Such reports and furnish such information to the department with respect to the work of the county public welfare district as is required by this chapter and the department.

(b) An annual report to the board of supervisors concerning the work of the county public welfare district and additional reports at such times and covering such facts as the board of supervisors may require.

(c) If any of the cost of assistance and care paid for by the county public welfare district is charged back to the towns and cities thereof, a report to the county treasurer at the end of the fiscal year, stating the per capita maintenance cost per day in the county home and an itemized statement of the amount to be charged each town and city for the assistance and care given either in the county home or elsewhere to persons residing or found in each town or city and a statement of all expenditures and receipts in behalf of such persons.

(d) Current reports to the city and town welfare and service officers of persons residing in their cities and towns who are in receipt of public assistance and care from the county.

2. A town public welfare officer or service officer shall make:

(a) An annual report to the town board concerning his work and additional reports at such times and covering such facts as the town board may require.

(b) An annual report to the county commissioner and any additional reports at such time and covering such facts as may be required by the county commissioner or the department.

3. A city commissioner of public welfare and a city public welfare officer shall make:

(a) Such reports to the department with respect to his work as are required by this chapter and the department.

(b) An annual report to the mayor of the city or to any other official or board authorized to receive such report and additional reports at such times and covering such facts as may be required.

4. Such annual reports shall include an itemized statement of all money received by the public welfare official and all money expended by him, and a detailed statement in regard to the recipients of public assistance and care. Town and city public welfare officers and service officers shall furnish the county commissioner with all data, relating to their work and persons in receipt of public assistance and care, necessary to enable the county commissioner to make the reports required by the department.

Subdivisions 1, 2 *and* 4 *as amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

§ 82. **Accounts.** All public welfare officials and service officers shall keep such accounts regarding the receipt and disbursements of the public welfare funds, and of any trust funds, as may be required by law or directed by the department.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 83. **County public welfare funds.** 1. The county treasurer shall be the treasurer of the county public welfare district.

2. Except as hereinafter provided, disbursements for administration and public assistance and care from county public welfare funds shall be made only on warrants drawn by the county commissioner for the payment of verified bills and claims after audit by such county commissioner, except that in counties

having a county comptroller or a county auditor such claims shall be audited by the county comptroller or county auditor after approval by the county commissioner.

Subdivision 2 as amended by L. 1946, C. 200, eff. April 1, 1946.

3. Payments for board and incidental expenses of children cared for in boarding homes or in the homes of relatives or in institutions maintained by an authorized agency provided under title two of article six or on order of the children's court of the county, may be made upon schedules showing the names of the persons or institutions with whom such children are boarded, the names of children boarded with each of them, the monthly rate of board to be paid for each such child, the period covered by each such schedule, the amount due for the board of each child during such period, an itemized account of the amount allowed for incidentals, if any, in the case of each child, and the total amount due to each such person or institution, verified by the commissioner and audited as hereinbefore provided and without the presentation of verified bills or claims by such persons or institutions.

Subdivision 3 as amended by L. 1941, C. 84, eff. April 1, 1941.

4. (a) When a county commissioner has empowered a city or town service officer to act as his agent in providing emergency assistance, he shall furnish to such service officer a fund from which to make payments for such assistance. Such service officer, immediately after the making of an expenditure from such fund, shall notify the county commissioner of such expenditure and furnish him with a verified receipted bill therefor.

(b) When a city or town service officer is not empowered by the county commissioner to grant emergency assistance as his agent, and he provides emergency assistance in accordance with the rules and regulations of the department and the regulations established by the county commissioner of public welfare, the cost of such assistance shall be paid in the first instance from city or town funds provided for such purpose. Thereafter the city or town shall be reimbursed from county public welfare funds for the amount so expended. For the purpose of reimbursing the city or town, disbursements from county public welfare funds shall be made in the same manner as is required by subdivision two.

(c) When, pursuant to the provisions of title three-a of this article, a county has contracted with a city for the city to administer the public assistance and care in the city for which the county is responsible, expenditures for such assistance and care shall be made by the city welfare official from the county public welfare funds furnished to the city for such purposes. For the purposes mentioned in subdivision three, the city welfare official may make payments on behalf of the county on schedules which shall contain the information required by that subdivision. At the end of each month, the city welfare official shall submit to the county commissioner a verified statement of all the expenditures made during such month on behalf of the county.

Subdivision 4 added by L. 1946, C. 200, eff. April 1, 1946.

§ 84. **County commissioner's incidental fund.** A board of supervisors may authorize the county treasurer to furnish the county commissioner with a reasonable sum for a revolving or incidental fund. Expenditures from this fund shall be covered by itemized statements and vouchers showing the purpose of the expenditure. The county treasurer shall refund to the county commissioner each month the amount so reported as expended during the previous month.

Section headings as amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 85. **Monthly reports of county commissioner to county treasurer.** The county commissioner shall pay over to the county treasurer on or before the third day of each month all money received by him in connection with the work of his public welfare district and make a report giving in detail the source of all such receipts and an itemized statement and vouchers covering all expenditures for incidental and operating expenses made by him during the preceding calendar month.

§ 86. **Town public welfare funds.** 1. The taxes levied for public assistance and care in a town shall be paid to the town supervisor, who, without prior audit, shall disburse them on written order of the town public welfare officer for the payment of verified bills and claims. All such bills and claims shall be filed annually with the town clerk.

2. The town supervisor shall, without prior audit, issue individual checks to persons as authorized by the town welfare officer on forms as either prescribed or approved by the state department of social welfare, or such supervisor shall pay over to the town welfare officer for use as a revolving fund an amount not less than one-fourth of the annual appropriation for home relief. The town public welfare officer shall, before receiving such revolving fund, furnish to the town a bond in such penal sum and with such sureties as the town board may approve, conditioned upon the faithful discharge of his duties. Whenever a suspervisor elects to turn over the revolving fund to the welfare officer, the welfare officer shall pay all home relief from such revolving fund. From the balance of town appropriations for home relief for the current fiscal year, the town supervisor shall, each month, on presentation by the town welfare officer of verified bills and claims, submitted on forms as either prescribed or approved by the state department of social welfare, reimburse such revolving fund for the amount of said claims expended therefrom during the preceding month.

Added by L. 1946, *C.* 200, *eff. April* 1, 1946; *former section* 86 *repealed by same law.*

§ 86-a. **City public welfare funds.** The taxes levied for public assistance and care in a city, or in a city public welfare district, shall be paid to the city treasurer, and disbursed in accordance with the provisions of law relating to such city for the payment of verified bills and claims, provided such provisions of law are not inconsistent with the provisions of this chapter.

Added by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 87. **Special funds.** 1. When a county commissioner shall receive any money as guardian of a minor or to be used for some particular person or purpose, he shall deposit it with the county treasurer, who shall keep such money in a special account to be drawn on by the county commissioner for the person or purpose designated.

2. When a town public welfare officer shall receive such money he shall deposit it in a bank approved by the town supervisor to be drawn on by the town public welfare officer and the town supervisor jointly for the person or purpose designated.

3. When a city commissioner of public welfare or a city public welfare officer shall receive such money, he shall deposit it with the official having charge of the funds of such city, who shall keep it in a separate account to be requisitioned by the city commissioner or the city public welfare officer for the person or purpose designated.

§ 88. **Responsibility for adequate appropriations.** It shall be the duty of the board of supervisors of a county, the town board of a town and the appropriating body of a city to make adequate appropriations and to take such action as may be necessary to provide the public assistance and care required by this chapter.

§ 89. **Estimates in county public welfare districts.** 1. The county commissioner shall present to the board of supervisors at its annual meeting an itemized estimate of the amount of money needed for the ensuing year for the public assistance and care for which the county is responsible, and for the administration thereof.

2. A town public welfare officer shall prepare and file annually with the town clerk and the county commissioner of public welfare, at the time specified in section one hundred and eleven of the town law, an itemized estimate of the amount needed for the ensuing year for administration and for public assistance and care. The town board shall include the amount necessary to be raised by tax in the annual estimate submitted to the board of supervisors as provided by the town law.

3. (a) A city public welfare officer shall submit an itemized estimate of the amount needed for the ensuing year for administration and public assistance and care to the mayor or other authority provided by law and to the county commissioner of public welfare.

(b) When, pursuant to the provisions of title three-a of this article, the county commissioner is administering the public assistance and care for which a city is responsible, and there is no city public welfare officer, the county commissioner shall make and submit an estimate for the city in the place and stead of a city public welfare officer.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 90. **Appropriations in county public welfare districts.** 1. (a) The board of supervisors shall appoint a committee of its members to consider the estimates presented by the county commissioner and

by the town boards in the county public welfare district. If any town shall fail to submit an estimate as provided by the previous section, the county commissioner shall prepare and submit to such committee an estimate of the amount needed for administration and public assistance and care in such town. The committee shall recommend to the board of supervisors the amount it considers necessary for the ensuing year for the various forms of public assistance and care and administrative expenses in the county public welfare district and in each of the towns therein.

Paragraph (a) as amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

(b) Taxes for each form of assistance or care administered by the county public welfare district shall be levied only in the territory in which the county public welfare district is responsible for the administration of such form thereof.

(c) The board of supervisors shall approve an estimate for the county public welfare district and for each town and shall levy taxes in the territory of the county public welfare district for the amount of the approved estimate for the county public welfare district and in each town for the amount of the approved estimate for such town.

2. The legislative body of a city forming part of a county public welfare district shall appropriate the amount it considers necessary for administration and public assistance and care in such city and shall cause taxes to be levied for the amount of such appropriation.

Nothing contained in this section shall be construed to prevent the financing of any such expenditure, in whole or in part, pursuant to the local finance law.

Subdivision 2 as amended by L. 1943, *C.* 710, *eff. Sept.* 2, 1945.

§ 91. **Estimates and appropriations in city public welfare districts.** The city commissioner of public welfare shall present to the mayor or other authority provided by law in such city an itemized estimate of the amount of money needed for the ensuing year for the administration of the city public welfare district and for public assistance and care. The legislative body of the city public welfare district shall appropriate the amount necessary for such purpose and shall cause taxes to be levied for the amount of such appropriation.

Nothing contained in this section shall be construed to prevent the financing of any such expenditure, in whole or in part, pursuant to the local finance law.

As amended by L. 1943, *C.* 710, *eff. Sept.* 2, 1945.

§ 92. **Deficiency appropriations.** 1. (a) Should the sums appropriated for old age assistance, assistance to the blind or aid to dependent children and their administration be expended or contracted or become exhausted during the year for the purposes for which they were appropriated, or should no such appropriation have been made, additional sums shall be appropriated by the proper appropriating bodies, as occasion demands to carry out the provisions of this chapter.

(b) In cities such additional sums if appropriated shall be paid from unexpended balances not required by law to be expended for a specific purpose, or from contingent funds when such exist.

(c) In counties, such additional appropriations shall be paid from funds in the county treasury available therefor, provided that such funds were raised by taxes levied in a territory identical with that in which such sums may be expended, and then only to the extent of any excess thereof not needed for other purposes under other provisions of this chapter.

(d) Nothing contained in this section, however, shall be construed to prevent the financing of such deficiency appropriations pursuant to the local finance law.

2. All the provisions of subdivision one in regard to cities shall be applicable to towns in Dutchess county, and, in every city or town thereof, except in the city of Poughkeepsie, the amount of such additional sums must first be approved by the county commissioner of public welfare by writing filed with the city or town clerk.

As amended by L. 1943, *C.* 710, *eff. Sept.* 2, 1945.

§ 93. **Provisions for financing home relief.** 1. Definitions. When used in this section:

(a) Home relief means home relief as defined in section one hundred fifty-seven and also included all administrative expenses of home relief.

(b) Local share of home relief means the total cost or estimated cost of home relief after deducting the amount or the estimated amount of state aid received or to be received therefor under the then existing law and rules.

(d) City means any city responsible for the administration of home relief.

Subdivision 1(*c*) *repealed by L.* 1943, *C.* 712, *eff. Sept.* 2, 1945.

Subdivision 1 (*d*) *as amended by L.* 1941, *C.* 449, *eff. Nov.* 1, 1941.

2. Estimates and appropriations. (a) Each county, city and town shall make an annual estimate and appropriation of the total amount required for the fiscal year for home relief in accordance with this article. Such estimates shall show not only the total amount so required, but the estimated state aid to be received, and the estimated local share of home relief.

(b) Such estimates and appropriations shall be filed with the department.

Subdivision 2 *as amended by L.* 1945, *C.* 838, *eff. Sept.* 2, 1945.

3. Additional appropriations to supply deficiencies in the annual appropriations. Should the sum or the aggregate of the sums appropriated or amounts available and authorized to be expended in any county, city or town be less than the amount required in any year for home relief, supplemental appropriations may be made from time to time, and in that case not less than the same per-

centage of the local share of home relief included in such supplemental appropriations may be raised by taxes levied for the next fiscal year as would have been raised by taxes for the current fiscal year if the amount of supplemental appropriation had been contained in the annual appropriation for the current fiscal year.

Subdivision 3 *as amended by L.* 1943, *C.* 710, *eff. Sept.* 2, 1945.

Subdivisions 4 *and* 5 *repealed by L.* 1943, *C.* 712, *eff. Sept.* 2, 1945.

6. County taxes. County taxes for the payment of obligations and interest thereon, issued for home relief shall be a charge upon the entire county but shall be levied in the first instance against all the taxable property in the territory in which the county public welfare district is responsible for the administration of such home relief.

Subdivision 6 *as amended by L.* 1943, *C.* 710, *eff. Sept.* 2, 1945.

Subdivision 7 *repealed by L.* 1943, *C.* 712, *eff. Sept.* 2, 1945.

8. Notwithstanding any inconsistent provision of this section, until the commencement of the fiscal year in any county, city or town next following December first, nineteen hundred forty-six, the local share of the cost of home relief in any year, in lieu of being raised by tax, may be paid from any other funds available, provided, however, no monies shall be borrowed to pay the cost of home relief.

Subdivision 8 *added by L.* 1943, *C.* 674, *and amended by L.* 1945, *C.* 324, *eff. March* 28, 1945.

§ 94. **Federal surplus commodities.** 1. (a) Notwithstanding any other provision of law, the legislative body of any county, city or town responsible for the administration of home relief may authorize the chief fiscal officer thereof to purchase stamps for federal surplus commodities and provide for their sale and distribution by the public welfare official thereof to eligible persons, but in the case of towns such stamps shall be purchased through the county only.

(b) If purchased by the county, such stamps may be sold or distributed to cities or towns in the county for their redistribution or resale to eligible persons therein in accordance with paragraph (a) of this subdivision.

2. (a) Each officer authorized to sell or distribute such stamps shall furnish a bond to the county, city or town in such amount as the chief fiscal officer thereof shall require.

(b) The expense of such bond shall be a charge against and paid by said county, city or town.

3. Such officer shall account monthly by verified statement to the chief fiscal officer for all stamps in his possession, distributed or sold, and he shall pay over all moneys received from the sale thereof, to such chief fiscal officer not later than the fifteenth day of each month following the distribution or sale thereof or at such more frequent intervals as the chief fiscal officer shall require.

Added by L. 1941, *C.* 348, *eff. April* 14, 1941.

TITLE 6

Powers to Enforce Support

Section 101. Liability of relatives to support.
102. Powers of public welfare officials to bring and defend suits.
103. Seizure of property of persons liable for support.
104. Recovery from a person discovered to have property.
105. Claim on insurance.
106. Powers of public welfare official to receive deed or mortgage.
107. Disposal of seized property and penalties collected.
108. Appointment of guardians for minors; notice of accounting.
109. Trust funds to be established.
110. Support of children in schools for juvenile delinquents.

§ 101. **Liability of relatives to support.** 1. The husband, wife, father, mother, grandparent or child of a recipient of public assistance or care or of a person liable to become in need thereof shall, if of sufficient ability, be responsible for the support of such person. Step-parents shall in like manner be responsible for the support of minor step-children.

2. No liability for support shall be imposed upon a minor child, nor shall the money or property of such minor child be subject to the burden of support of a parent unless the court to which resort is had for appropriation of the funds of such infant child shall expressly find that the money and property of such infant are in excess of the reasonable requirements of such infant, taking into account his maintenance, education, medical care and any other factors applicable to his condition.

As amended by L. 1945, *C.* 656, *eff. July* 1, 1945.

§ 102. **Powers of public welfare officials to bring and defend suits.** A public welfare official responsible, by or pursuant to any provision of this chapter, for the administration of the public assistance or care granted or applied for is empowered to bring proceedings in a court of competent jurisdiction.

1. to compel any person liable by law for support to contribute to the support of any person cared for at public expense, or person liable to become so dependent. A bond may be required of such person liable for support to indemnify the public welfare district against the cost of the support of such person;

2. to recover penalties, forfeitures and prosecute any bonds, undertakings and recognizances;

3. and defend in any court all matters relating to the support of persons at public expense.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 103. **Seizure of property of persons liable for support.** The responsible public welfare official may apply to a court having jurisdiction in actions involving an amount equal to the value of property to be seized for a warrant to seize the real or personal estate of a person who absents himself, leaving any one for whose support he is liable dependent upon public support or liable to become so dependent. If such a warrant be issued, the public welfare official may seize the property and apply the proceeds as directed by the court.

§ 104. **Recovery from a person discovered to have property.** 1. A public welfare official may bring action against a person discovered to have real or personal property, or against the estate or the executors, administrators and successors in interest of a person who dies leaving real or personal property, if such person, or any one for whose support he is or was liable, received assistance and care during the preceding ten years, and shall be entitled to recover up to the value of such property the cost of such assistance or care. Any public assistance or care received by such person shall constitute an implied contract.

2. No right of action shall accrue against an infant by reason of the assistance or care granted to him unless at the time it was granted the infant was possessed of money and property in excess of his reasonable requirements as described in section one hundred one.

Subdivision 2 *as amended by L.* 1941, *C.* 82, *eff. March* 1, 1941.

§ 105. **Claim on insurance.** If a person, who has received public assistance or care, shall die leaving insurance, and the estate of the assured is named as beneficiary, or no beneficiary is named, the public welfare official shall be entitled to a preferred claim to be paid out of such insurance to the amount of the cost of such assistance and care, and for funeral expenses not to exceed one hundred seventy-five dollars. If the insured leaves a widow or minor children who are, or are liable to become, public charges, the public welfare official may, in his discretion, waive his claim to such insurance or any part thereof to which he would otherwise be entitled.

As amended by L. 1944, *C.* 688, *eff. April* 9, 1944.

§ 106. **Powers of public welfare official to receive deed or mortgage.** 1. A public welfare official responsible, by or pursuant to any provision of this chapter, for the administration of assistance or care granted or applied for may accept a deed of real property and/or a mortgage thereon on behalf of the public welfare district for the assistance and care of a person at public expense but such property shall not be considered as public property and shall remain on the tax rolls.

2. (a) Before the expiration of one year from the date of the conveyance of the deed or mortgage, the person giving such deed or mortgage may redeem the same by the payment of any expense incurred for the support of the person, and for repairs and taxes on such property.

(b) After the expiration of one year from the date of the conveyance or mortgage, the public welfare official may, in his discretion, sell the property or mortgage.

(c) Upon the death of the person or his receiving institutional care, if the mortgage has not been sold or assigned, the public welfare official may enforce collection of the mortgage debt in the manner provided by the civil practice act for the foreclosure of mortgages by action.

As last amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 107. **Disposal of seized property and penalties collected.** All properties seized and penalties collected shall be administered in accordance with the direction of the court having jurisdiction. After the expenses approved by the court have been paid the balance shall be used for the maintenance of such persons, or to reimburse the public welfare fund for expenditures previously made for his assistance or care.

§ 108. **Appointment of guardians for minors; notice of accounting.** If the beneficiary of such seized property or penalty which is collected shall be a minor who is not in the custody of a parent and for whom no guardian has been appointed, the court having jurisdiction over the matter shall appoint a guardian of the property for such minor. Notice of the accounting shall be given to the person, or the executors, administrators or successors in interest of the person, for whose support the property has been seized or the penalty collected, and to the guardian of any minor affected thereby.

§ 109. **Trust funds to be established.** A public welfare official shall deposit any funds received from the seizure of property or collection of penalties for the support of a living person. Such fund shall, as provided in section eighty-seven, be held and used upon such terms as the court shall direct for the benefit of such person. If the beneficiary of the fund is a minor, the court may require the public welfare official to give security and to report.

§ 110. **Support of children in schools for juvenile delinquents.** 1. The court committing a child to any school for juvenile delinquents which is a state institution in the department shall ascertain the financial condition of his or her parents or other persons responsible for his or her support and, if it shall be found that any such parent or other person is able to pay any part of the cost of maintenance of such child while in such school, the court shall make an order directing such parent or other person to make to such school such payments as the court may decide to be fair and equitable not exceeding the sum of ten dollars weekly, and shall notify the superintendent of such school of the making of such order and amount ordered to be paid.

2. Each such school shall, subject to rules established by the department, collect as promptly as possible payments due under such orders and shall report to the court making any such order not less often than once in three months whether or not such order is being obeyed.

3. In case of failure on the part of any person to whom such order is directed to comply with such order and make the payments thereby directed, the court making such order shall proceed against such person as provided by section forty of the children's court act of the state of New York or other statute applicable thereto.

ARTICLE 4

RESIDENCE AND REMOVAL

Section 117. State residence.
118. Qualification on residence.
119. Proceedings to establish liability for hospital and institutional care.
120. Collection of support from a public welfare district.
121. Removal of persons to another state or country.

§ 117. **State residence.** 1. Any person who shall reside in the state continuously for one year under the conditions hereinafter specified shall be deemed to have state residence. State residence so acquired shall continue until such person shall have removed from the state and remained therefrom for one year; provided, however, that no person shall lose state residence by absence from the state while serving in the armed forces of the United States or in the United States merchant marine, or while attached to and serving with the armed forces of the United States and, provided further, that no member of the family of any such person shall lose state residence by absence from the state while living with or near such person during the period of such service and on account thereof.

2. An infant shall, at the time of birth, whether within or without the state, be deemed to have state residence if both his parents have, or the parent having his custody has, state residence. State residence so acquired by a child born within the state shall continue until the child shall have removed from the state and remained therefrom for one year. State residence so acquired by a child born without the state shall terminate when he becomes one year of age if he remains without the state during such year.

§ 118. **Qualification on residence.** The continuous residence required to acquire state residence or to establish liability for payment for hospital or other institutional care shall not include any period during which the person was (a) a patient in a hospital, or

(b) an inmate of any public institution or any incorporated private institution, or

(c) if a minor, in a boarding home under the care of an authorized agency, or

(d) residing on any military reservation.

If, however, the periods of residence immediately prior and subsequent to the period specified in a, b, c, or d, shall together equal the required period of residence, such person shall be deemed to have had the required continuous residence.

New article 4 *added by L.* 1946, *C.* 200, *eff. April* 1, 1946; *old article* 4 *repealed by same law.*

§ 119. **Proceedings to establish liability for hospital and institutional care.** 1. When a local charge is in need of hospital or institutional care, the public welfare district or the old age assistance district, as the case may be, in which such person resides or is found, shall provide such care and immediately send a written notification of the facts of the case to the commissioner of the public welfare district or to the public welfare official of the old age assistance district, as the case may be, in which such local charge is alleged to have last resided continuously for six months in the two years immediately prior to the granting of such care. The commissioner or the public welfare official receiving such notification may accept the responsibility for the repayment of the reasonable cost of such care given by the district where such local charge resides or is found, or he may within thirty days from the date of the receipt of such notification file a protest with the person sending the notification contesting the allegation that such local charge last resided in his district continuously for six months in the two years immediately prior to the granting of such care. If the cost of such care, pursuant to section seventy, would be a chargeback to the town or city where such local charge last resided continuously for six months in the two years immediately prior to the granting of such care, the commissioner on receipt of the notification shall immediately notify the town or city public welfare officer, or other city officer authorized to receive the same, of the allegation that such local charge last resided in such town or city continuously for six months in the two years immediately prior to the granting of such care. Such town or city officer may within ten days of the receipt of such notice file a protest with the county commissioner, which protest shall be communicated to the public welfare official from whom the first notification was received.

When a protest is made by the commissioner of public welfare or by the public welfare official of the old age assistance district, or when the protest of another public welfare official is forwarded by the county commissioner, and the public welfare official from whom the first notification was received does not accept the facts therein presented, the question of responsibility may, within thirty days of the receipt of the protest, be referred to the department. The department shall render a decision and in connection therewith may hold a hearing, notifying the public welfare officials involved. The department upon rendering the decision shall file copies thereof in the offices of the public welfare officials of the public welfare districts or the old age assistance district, involved, as the case may be. The decision of the department shall be final unless the commissioner or the public welfare official of the old age assistance district against whom the decision was rendered shall, within thirty days of the rendering of such decision, institute a proceeding in the supreme court under article seventy-eight of the civil practice act.

2. (a) The notification required shall be made within one year of the date when care was first granted by the public welfare official giving notice.

(b) A notification and protest required by this section shall be made in the form prescribed or approved by the department and shall be sent by registered mail.

(c) Failure to so notify, contest, protest or appeal within the time specified shall be considered an acceptance of the responsibility for the care of such person.

(d) No reimbursement may be claimed for the expense of the care of such person for a period beginning more than thirty days prior to the date of the notice.

§ 120. **Collection of support from a public welfare district.** If a public welfare district shall fail to pay for the hospital or other institutional care given by another public welfare district to a person for whose hospital or institutional care it is responsible, the commissioner of the public welfare district where such person is cared for may institute an action in the supreme court to recover the same.

§ 121. **Removal of persons to another state or country.** 1. When any person who is cared for at the expense of the state or of any public welfare district has settlement or residence or otherwise belongs to or has legally responsible relatives able or friends willing to undertake the obligations to support him or to aid in supporting him in any other state or country, the department may furnish him with transportation to such state or country, provided, in its judgment the interest of the state and the welfare of such person will be thereby promoted.

2. The expense of such removal shall be paid from the state treasury on the audit and warrant of the comptroller pursuant to a verified account submitted by the department.

Sections 117–121 *added by L.* 1946, *C.* 200, *eff. April* 1, 1946; *former sections* 117–127 *repealed by same law.*

ARTICLE 5

ASSISTANCE AND CARE

Title 1. General provisions (§§ 131–151).
2. Home relief (§§ 157–164).
3. Veteran assistance (§§ 168–176).
4. Medical care (§§ 184–188).
5. Public institutional care for adults (§§ 193–203).
6. Old age assistance (§§ 207–227).
7. Assistance to the blind (§§ 283–293).
8. Aid to dependent children (§§ 343–362).
9. Civilian war assistance (§ 365).

TITLE 1

GENERAL PROVISIONS

Section 131. Assistance and care to be given.
132. Investigation of applications.
133. Temporary preinvestigation grant.
134. Supervision.
135. Cooperation of public welfare officials.

136. Protection of public welfare records.
137. Exemption from levy and execution.
138. Powers of department.
139. Assistance and care of state charges; state reimbursement.
140. Removal of insane and mentally defective state charges to state institutions.
141. Burial of the dead.
142. Exclusiveness of eligibility requirements.
143. Information to be given by employers of labor to public welfare officials, to department, children's court and to state department of mental hygiene.
144. Power of public welfare officials and service officers to administer oaths.
145. Penalties.
146. Penalty for the sale or exchange of assistance supplies.
147. Interest of public welfare officials and service officers in contracts or supplies forbidden.
148. Penalty for unlawfully bringing a needy person into a public welfare district.
149. Penalty for bringing a needy person into the state.
150. Penalty for neglect to report or for making false report.
151. Payments to the New York state association of public welfare officials; attendance at conventions of public welfare officials.

§ 131. **Assistance and care to be given.** 1. It shall be the duty of public welfare officials, insofar as funds are available for that purpose, to provide adequately for those unable to maintain themselves. They shall, whenever possible, administer such care, treatment and service as may restore such persons to a condition of self-support, and shall further give such service to those liable to become destitute as may prevent the necessity of their becoming public charges.

2. As far as possible families shall be kept together, and they shall not be separated for reasons of poverty alone. Whenever practicable, assistance and service shall be given a needy person in his own home. The commissioner of public welfare may, however, in his discretion, provide assistance and care in a boarding home, a home of a relative, a public or private home or institution, or in a hospital.

§ 132. **Investigation of applications.** 1. When an application for assistance or care is received, or a public welfare official is informed that a person is in need of public assistance and care, an investigation and record shall be made of the circumstances of such person. The object of such investigations shall be to secure the facts necessary to determine whether such person is in need of public assistance or care and what form thereof and service he should receive. Information shall be sought as to the residence of such person, the name, age, religious faith, physical condition, earnings

or other income, and ability to work of all members of the family, the cause of the person's condition, the ability and willingness of the family, relatives, friends and church to assist, and such other facts as may be useful in determining the treatment which will be helpful to such person.

2. (a) All applications received by a town welfare officer or a town service officer shall be forwarded to the county commisioner immediately and all such applications shall be investigated by the staff of the county commissioner. After investigation the county commissioner shall return to the town welfare officer every application for home relief made by a local charge residing or found in such town, together with his recommendation as to the eligibility of the applicant and the amount of assistance to be granted, if any. In addition thereto, the county commissioner shall keep the town welfare officer currently informed of persons residing in his town who are receiving any form of public assistance and care other than home relief.

(b) In a city public welfare district, investigation of applications shall be made by the commissioner and his staff.

(c) In a city forming part of a county public welfare district, investigation shall be made as follows:

(1) By the county commissioner and his staff, when the city is operating under Option I, pursuant to title three-a of article three.

(2) By the county commissioner and his staff, when the city is operating under Option II, pursuant to title three-a of article three. All applications received by the city service officer shall be forwarded immediately to the county commissioner.

(3) By the county commissioner and his staff, when the city is operating under Option III, pursuant to title three-a of article three. All applications received by the city service officer shall be forwarded immediately to the county commissioner.

(4) When a city is operating under Option IV, pursuant to title three-a of article three, all applications for public assistance and care of person residing or found in the city shall be investigated by the city public welfare officer and his staff.

(5) In a city operating under Option V, pursuant to title three-a of article three, the county commissioner and his staff shall investigate all applications for public assistance and care made by local charges residing or found in such city. The city welfare officer shall forward to the county commissioner every application received by him. After investigation the county commissioner shall return to the city welfare officer every application for home relief or medical care made by a local charge residing or found in such city, and every application for hospital care made by a local charge residing or found in such city whose last continuous residence of six months in the two years immediately prior thereto was in such city, together with his recommendation as to the eligibility of the applicant and the amount of assistance to be granted, if any.

Added by L. 1946. C. 200, eff. April 1, 1946; former section 132 repealed by same law.

§ 133. **Temporary preinvestigation grant.** If it shall appear that a person is in immediate need, temporary assistance or care shall be granted pending completion of an investigation.

§ 134. **Supervision.** The public welfare officials responsible under the provisions of section one hundred thirty-two for investigating any application for public assistance and care, shall maintain close contact with persons granted public assistance and care. Such persons shall be visited as frequently as is provided by the rules of the board and/or regulations of the department or required by the circumstances of the case, in order that any treatment or service tending to restore such persons to a condition of self-support and to relieve their distress may be rendered and in order that assistance or care may be given only in such amount and as long as necessary. Persons receiving care in an institution shall be visited as often as may be necessary in order that any service or care needed by them shall be provided and in order that institutional care shall be given only as long as it is advantageous for the person's welfare. The circumstances of a person receiving continued care shall be reinvestigated as frequently as the rules of the board or regulations of the department may require.

Added by L. 1946, *C.* 200, *eff. April* 1, 1946; *former section* 134 *repealed by same law.*

§ 135. **Cooperation of public welfare officials.** 1. It shall be the duty of every public welfare official to render assistance and cooperate within his jurisdictional powers with every other public welfare official and with children's courts and all other governmental agencies concerned with the health and welfare of persons under their jurisdiction.

2. Every public welfare official shall also cooperate whenever possible with any private agency whose object is the relief and care of persons in need or the improvement of social conditions in order that there may be no duplication of relief and that the work of agencies both public and private may be united in an effort to relieve distress and prevent dependency.

§ 136. **Protection of public welfare records.** 1. The names or addresses of persons receiving public assistance and care shall not be included in any published report or printed in any newspaper or reported at any public meeting except meetings of a legislative body.

2. All communications and information relating to a person receiving public assistance or care obtained by any public welfare official, service officer, or employee in the course of his work shall be considered confidential and shall be disclosed only to the board or its authorized representative, a legislative body, or, by authority of a county or city public welfare official, to a person or agency considered entitled to such information.

Subdivision 2 *as amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

3. Nothing in this section shall be construed to prevent registration in a central index or social service exchange for the purpose of preventing duplication and of coordinating the work of public and private agencies.

§ 137. **Exemption from levy and execution.** All moneys or orders granted to persons as public assistance or care pursuant to this chapter shall be inalienable by any assignment or transfer and shall be exempt from levy and execution under the laws of this state.

§ 138. **Powers of department.** 1. The department shall possess and may exercise like powers and perform like duties in respect to the assistance and care of state charges as public welfare officials exercise and perform in relation to persons in their respective jurisdictions.

2. Assistance and care for state charges shall be administered, under rules of the board and regulations of the department, by the department or by the commissioners of public welfare or their agents under the supervision of the department and subject to state reimbursement as provided in section sixty-two.

3. The department is authorized to make regulations as to the administration of assistance and care for such persons by the commissioners of public welfare and their agents and as to reimbursement by the state for expenditures therefor.

4. When authorized by resolution of the board, the department may establish and maintain camps, shelters and other institutions for the care and rehabilitation of state charges. Local charges may be given care in a state camp, shelter or institution at the expense of the public welfare district in which they reside at the time such care is granted, subject to the regulations of the department.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 139. **Assistance and care of state charges; state reimbursement.** 1. Unless otherwise directed by the department, the commissioner of public welfare shall be responsible for providing assistance and care for state charges who reside or are found in the public welfare district.

2. When care in a camp, shelter or institution is necessary for state charges such care shall be provided, insofar as practicable, in a publicly maintained camp, shelter or institution. No care shall be provided in a private or commercial camp, shelter or institution which does not meet the requirements established by the rules of the board and the regulations of the department.

3. Notwithstanding the provisions of section sixty-two of this chapter, the state shall reimburse the public welfare district for the cost of assistance and care for state charges only when granted in accordance with the rules of the board and when approved by the department. The department shall certify to the comptroller the amounts so approved by it, specifying the amount to which each public welfare district is entitled. The amounts so certified shall be paid from the state treasury upon the audit and warrant of the comptroller to the fiscal officers of the district entitled thereto, from moneys available therefor by appropriation.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946*; section heading amended by same law.*

§ 140. **Removal of insane and mentally defective state charges to state institutions.** If any state charge becomes insane, the department shall cause his removal to the appropriate state hospital for the insane, and he shall be received by the officer in charge of such hospital, and be maintained therein until duly discharged. If any state charge is mentally defective he may be removed to a state institution for the mentally defective, or if he be epileptic to a state institution for epileptics, and he shall in like manner be received by the officer in charge of either of such institutions and maintained therein until duly discharged.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946*; section heading amended by same law.*

§ 141. **Burial of the dead.** 1. Except as otherwise provided the public welfare district shall provide for the care, removal and burial of the body of any recipient of public assistance or care who shall die, or of any person found dead, in the public welfare district.

2. If such a person leave no funds to pay such expense and there are no known relatives, friends or personal representatives liable or willing to become responsible of such expense, the expense of such burial shall be a charge on the public welfare district or on a town or city thereof, which would have been responsible for the assistance and care of such person while alive.

3. The amount of reimbursement which a public welfare district may claim from the state for a state charge shall not exceed one hundred dollars for such burial.

Subdivision 3 *as last amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

§ 142. **Exclusiveness of eligibility requirements.** 1. No person receiving assistance to the blind shall for the same period receive old age assistance or aid as a dependent child.

2. A person eligible to receive old age assistance who is not receiving such assistance is not precluded from receiving public assistance and care under other provisions of this chapter.

3. Eligibility for or the receipt of an allowance as aid to dependent children shall not preclude any parent, relative, child or children of eligibility for public assistance and care under other provisions of this chapter or of any other federal, state or local law.

§ 143. **Information to be given by employers of labor to public welfare officials, to department, children's court and to state department of mental hygiene.** If requested by an authorized representative of the state department of mental hygiene or of the department or by any authority charged with the duty of administering laws relating to public assistance or care in any village, town, city or county, the officials or executives of any corporation or partnership, and all employers of labor of any kind, doing business within the state of New York, shall furnish to such representative or authority information relating to facts of which such officials, executives or employers shall have cogni-

zance, concerning wages, salaries, earnings or other income of any applicant for, or recipient of public assistance or care named in such request made by town, village, city or county authorities or the department, or of any relative legally responsible for the support of such applicant for, or recipient of public assistance or care, or for the support of any inmate of any state institution named by such representative of the state department of mental hygiene.

Section heading as amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 144. **Power of public welfare officials and service officers to administer oaths.** Public welfare officials and service officers shall have power to administer oaths and take affidavits in all matters pertaining to their office and to elicit, by examination under oath statement of facts from applicants for or recipients of assistance or care.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946; *section heading amended by same law.*

§ 145. **Penalties.** Any person who by means of a false statement or representation, or by impersonations or other fraudulent device, obtains or attempts to obtain, or aids or abets any person to obtain public assistance or care to which he is not entitled, or a larger amount thereof than that to which he is justly entitled, or does any wilful act designed to interfere with the proper administration of public assistance and care, shall be guilty of a misdemeanor, unless such act constitutes a violation of a provision of the penal law of the state of New York, in which case he shall be punished in accordance with the penalties fixed by such law.

§ 146. **Penalty for the sale or exchange of assistance supplies.** 1. Any person who shall sell or exchange supplies or articles furnished him as assistance or care by any public welfare official or employee of the public welfare district, or dispose of them in any other way than as directed, shall be guilty of a misdemeanor.

Subdivision 1 *as amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

2. Any person who purchases any article knowing it to have been furnished to any person as assistance or care shall also be guilty of a misdemeanor.

§ 147. **Interest of public welfare officials and service officers in contracts or supplies forbidden.** 1. No public welfare official, service officer or employee shall furnish any supplies or property in which he is financially interested, or be financially interested, directly or indirectly, in any contract for the purchase of supplies or property, or receive any commission upon any purchase or sale in connection with public assistance and care or the administration thereof.

2. Any public welfare official, service officer, or employee found guilty of violating any provision of this section shall be removed from office, and shall forfeit a penalty of one hundred dollars for each such violation to the public welfare district or a town or city thereof, as the case may be.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946; *section heading also amended by same law.*

§ 148. **Penalty for unlawfully bringing a needy person into a public welfare district.** No person shall, without legal authority, send or bring, or cause to be sent or brought, any needy person into a public welfare district with the purpose of making him a charge on such public welfare district, or for the purpose of avoiding the responsibility of assistance or care in the public welfare district from which he is brought or sent. Any person found guilty of such an act shall be guilty of a misdemeanor and liable to a fine of fifty dollars, recoverable in the name of the public welfare district.

§ 149. **Penalty for bringing a needy person into the state.** 1. Any person who knowingly brings, or causes to be brought, a needy person from out of the state into this state for the purpose of making him a public charge, shall be guilty of a misdemeanor punishable by a fine of one hundred dollars, and shall be obligated to convey such person out of the state or to support him at his own expense.

2. The commissioner of public welfare of the district to which such needy person is brought may bring a suit in a court of competent jurisdiction to enforce this obligation.

3. The court shall require satisfactory security from such person that he will convey the needy person out of the state within the time fixed by the court or will indemnify the public welfare district for all charges and expenses incurred for the assistance and care or transportation of such needy person. If such person refuses to give security when so required the court may commit him to jail for not exceeding three months.

As amended by L. 1942, *C.* 421, *eff. April* 12, 1942.

§ 150. **Penalty for neglect to report or for making false report.** 1. Any commissioner of public welfare, deputy commissioner, town or city public welfare officer, service officer, or any officer or employee who shall neglect or refuse to render any account, statement or report required by or pursuant to this chapter, or who shall delay, neglect or refuse to forward any application for public assistance or care, or shall wilfully make false report or shall neglect to pay over any money within the time required by law, shall forfeit two hundred dollars and shall be liable to an action for all money which shall be in his hands with the interest thereon after the time the same should have been paid over.

2. Any officer, department or board, in case of failure to receive an application for public assistance and care, or a report or account required by this chapter, shall notify the district attorney having authority in such public welfare district.

Subdivisions 1 *and* 2 *as amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

3. The district attorney, upon receiving such notice, shall prosecute in the name of such officer, department or board for the recovery of the penalty or of such money, or both. The penalty and the sum recovered shall be deposited in the public welfare fund of the public welfare district or of a town or city thereof, as the case may be.

§ 151. **Payments to the New York state association of public welfare officials; attendance at conventions of public welfare officials.** The legislative body of a county or city is hereby authorized to include annually in the appropriation made for public assistance and care and to raise by taxation the sum necessary to meet the actual and necessary expenses of maintaining and continuing the New York state association of public welfare officials for the purpose of devising practical ways and means for obtaining greater economy and efficiency in the administration of public assistance and care, and for the expenses incurred by public welfare officials and employees in attending meetings of public welfare officials. Superintendents and matrons of public homes, county and city public welfare officials and deputies and agents designated by the public welfare officials are authorized to attend the mid-winter and annual conventions of public welfare officials. The necessary expenses in connection with such attendance shall be paid from public welfare funds.

As amended by L. 1946, *C.* 374, *eff. April* 1, 1946.

TITLE 2

HOME RELIEF

Section 157. Definitions.
158. Eligibility.
158-a. Facilitation and promotion of employment.
159. Character.
160. State reimbursement for home relief.
161. Discretionary fund; additional grants and advances.
162. Employment furnished by towns.
163. Application.
164. Work relief.

§ 157. **Definitions.** As used in this title.

1. Home relief means shelter, fuel, food, clothing, light, necessary household supplies, medical, dental and nursing care including drugs and medical materials and supplies, or other care or treatment authorized under article forty-eight and article fifty-four of the education law, and other necessities of life, furnished by a municipal corporation, or a town where home relief is a town charge, to persons or their dependents in their abode or habitation whenever possible and includes such relief granted to veterans under existing laws but does not include hospital or institutional care, or old age assistance, assistance to the blind or aid to dependent children granted under the provisions of titles six, seven and eight, respectively.

2. State aid means payments to a municipal corporation by the state for home relief furnished in accordance with this title.

3. Municipal corporation shall mean a county or city except a county wholly within a city.

§ 158. **Eligibility.** Any person unable to provide for himself, or who is unable to secure support from a legally responsible relative, who is not receiving needed assistance or care under other provisions of this chapter, or from other sources, shall be eligible for home relief.

§ 158-a. **Facilitation and promotion of employment.**

Effective only to July 1, 1946.

§ 159. **Character.** Except as hereinafter otherwise prescribed, home relief shall be granted in cash provided, however, that in an individual case where the granting of cash may be deemed impracticable, home relief may be granted in whole or in part by order. Medical, dental and nursing care including drugs and medical materials and supplies, may be granted by order.

As amended by L. 1945, *C.* 128, *eff. Sept.* 1, 1945.

§ 160. **State reimbursement for home relief.** 1. As herein provided there shall be reimbursements to

(a) cities, counties and towns where home relief is a town charge for such expenditures for home relief and its administration as shall have been approved by the department, to the extent of eighty per centum of the amount of their expenditures therefor. Such reimbursements must be used by the city or county or town receiving the same for home relief under the rules and policy of the board, and regulations of the department or for the amortization of obligations issued for such home relief.

(b) cities and counties for eighty per centum of the salaries of employees of city and county public welfare departments other than those engaged in the administration of an institution or farm maintained by the public welfare department and those for whose salaries reimbursement is payable by the state under other provisions of this chapter, provided, however, if state reimbursement shall be payable under other provisions of this chapter for part of the salary of an employee of a public welfare department, the reimbursement may be made on the remaining part of the salary of such employee. No state reimbursement shall be payable under this subdivision unless the qualifications of all such persons on whose salaries reimbursement is sought conform to those fixed by the board and their employment is adjudged necessary by the department. No state reimbursement shall be made for the salary of a public welfare official or the chief executive officer of a public welfare department.

Subdivision 1 *as last amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

2. When certified by the department such reimbursements shall be paid from the state treasury upon the audit and warrant of the comptroller out of funds made available by the legislature for such purposes. Payments shall be made by the comptroller to the fiscal officer of the city or county and in the cases of towns where home relief is a town charge such payment shall be to the fiscal officer of the county for the account of and reimbursement to the towns therein. Such reimbursement shall be based upon the expenditures for home relief and its administration for persons for whom the city, county or town is responsible.

§ 161. **Discretionary fund; additional grants and advances.** 1. The legislature shall also provide for a discretionary fund from which additional grants may be made by the board in addition to the reimbursement provided for in section one hundred sixty, when justified in exceptional cases or when the public welfare districts are unable to provide the stipulated local share of the cost of the necessary home relief. Additional grants shall be made only by resolution of the board with the prior approval of the director of the budget and the comptroller, and a copy of each such resolution and a statement of the amount granted and the reasons therefor shall be filed with the governor.

2. The department is also authorized in its discretion, to make advances to municipal corporations or such towns against the said statutory reimbursement provided for in section one hundred sixty.

Subdivisions 1 *and* 2 *as amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

3. Such additional grants and advances must not be paid into the general fund of the city, county or town but shall be made available only for the express purposes for which they shall have been granted.

§ 162. **Employment furnished by towns.** 1. (a) The town board of any town in which home relief is a town charge may acquire for the town by purchase, for the purposes of this section, and appropriate town moneys therefor, wood lots within the town, or the right to cut, remove and have the timber on such a lot. Within the meaning hereof, a wood lot is a parcel of substantially unimproved land having a growth of timber suitable for firewood, but not of a size generally for use as lumber.

(b) Such a lot, or such a right, having been so acquired, the town welfare officer shall employ in cutting, cording, removing, working into firewood and distributing the timber so acquired, or growing on the lot or lots so acquired, persons receiving town home relief for themselves and/or their families, or members of such families able to work, at wages in accordance with a scale fixed by the town board, payable by the supervisor, from town moneys appropriated therefor by such board, on payrolls certified by such welfare officer in a form to be prescribed by the department.

(c) The wood so cut shall be sold and distributed, for fuel, to persons who and/or whose families are then receiving relief from the public welfare funds of the town, or may be supplied without sale, and as added relief, to such of them as are in need of fuel and whose allowance from such funds or earnings from work herein provided for, or from both, are not adequate. The proceeds of such sales shall be paid into and become part of such welfare funds.

2. The town welfare officer shall supervise the work of cutting, cording, removing, working into firewood and distributing such timber and wood, shall determine the persons and their number to be employed and to whom the wood or timber shall be sold or supplied. Wages paid to a person pursuant to this section shall be either (a) in lieu of or (b) in reduction of relief from the town public welfare funds, depending on the circumstances of each case.

3. The amount expended by the town pursuant to this section shall not be reported as a basis for state aid for home relief.

4. If the fee of a wood lot be acquired, the land, after removal of the timber and wood, may be used for any lawful town purpose, or it may be sold and conveyed by the town board and the proceeds paid into the general fund of the town and be available for appropriation to pay lawful town charges.

§ 163. **Application.** The provisions of any city charter or other local or special law forbidding the granting of outdoor relief shall not apply to the granting of home relief under this chapter.

§ 164. **Work relief.** 1. Legislative intent. In view of the continuing relief problem due to unemployment and the number of needy employable persons receiving home relief who cannot be given employment through the work projects administration either because they are ineligible under the law or the rules governing employment on projects of the work projects administration or because of lack of available jobs on such projects, the legislature hereby declares that in its judgment it is advantageous to the public welfare that local authorities be authorized to provide home relief in the form of wages for work relief on projects administered by local units of government. In conferring such authority on local units of government it is the intention of the legislature that the counties, cities and towns shall utilize fully employment available for eligible recipients of home relief through projects maintained by the work projects administration and that the work relief projects carried on by a city, county or town under the authority hereinafter conferred shall be in addition to and not in lieu of projects of the work projects administration sponsored or to be sponsored by the county, city or town. Under the conditions and subject to the limitations hereinafter specified county and city public welfare districts and cities and towns responsible for administration of home relief shall be authorized to administer work relief.

The term 'work relief' as used in this section shall be deemed to be within the definition of 'home relief' as defined in section ninety-three of this chapter and shall be deemed to be within the terms 'the local share of home relief,' and 'home relief' as defined in the local finance law.

2. Authorization for work relief. (a) The legislative body of a county or city public welfare district or of a city or town which administers home relief

(i) may authorize the granting of home relief in the form of work relief wages for work on work relief projects to persons eligible to receive home relief administered by the public welfare official of such county, city or town and in such case may provide for the performance of work in the public interest through work relief projects administered by a designated department, official or agency of government, and make appropriations therefor, and

(ii) may make such provisions as it deems necessary as to the method of administration of work relief projects and of disbursement of funds appropriated therefor.

(b) In a county public welfare district where towns administer home relief, the legislative body of the county may authorize the employment of eligible persons from town home relief rolls on one or more projects operated by the county and pursuant to such authorization a town may assign eligible persons to work on a county project and shall pay the cost of the work relief wages of persons so assigned and employed in the manner directed by the legislative body of the county.

(c) The legislative body of a county or town which authorizes the granting of home relief in the form of work relief wages shall make adequate provision for work relief projects for and in behalf of villages.

3. Work relief committee. (a) Organization. When the administration of work relief has been authorized there shall be a work relief committee to be constituted as follows:

(i) In a county, of the chairman of the board of supervisors or the county executive, the chief public works officer, the chief fiscal officer or their designees, the county commissioner of public welfare and, if the legislative body shall so direct, three citizens appointed by the chairman of the board of supervisors or the county executive.

(ii) In a city, of the mayor or city manager, the commissioner of public works, the chief fiscal officer or their designees, the city commissioner of public welfare or city public welfare officer and, if the legislative body shall so direct, three citizens appointed by the mayor or city manager.

(iii) In a town, of the supervisor, the town superintendent of highways, the town welfare officer and, if the legislative body shall so direct, two citizens appointed by the supervisor.

(b) Powers and duties. The work relief committee shall

(i) recommend to the legislative body projects suitable for the employment of the labor on home relief rolls with estimates of the costs thereof,

(ii) make reports to the legislative body on the work relief projects undertaken, and

(iii) provide for the hearing of any complaint of unfair treatment made by a person receiving or assigned to work relief and cause such action to be taken in respect thereto as it deems necessary to insure fair and impartial administration of work relief.

4. Eligibility. Work relief may be granted to a person eligible for home relief who (a) has received home relief in cash or by order for one month prior to assignment to such work relief, and

(b) is (i) ineligible to receive work through the work projects administration or (ii) eligible for but not assigned by the work projects administration to work on a project.

5. Wages. (a) The work relief committee shall fix the rates of work relief wages which shall be the rate paid for similar work on work projects administration projects in the district or if there be no such rate the minimum rate paid by the local unit of government for similar work.

(b) Work relief wages shall be paid in cash.

(c) The number of days of work to be given each person shall be determined by the amount of the budget deficit of the recipient and his family computed on local home relief budget schedules. No person shall be required to work for more than the number of days necessary to earn such amount or be paid more than such amount. No person shall be required to work more than eight hours in a day or more than forty hours in a week.

(d) All persons employed on work relief projects undertaken under this section shall be covered by workmen's compensation or by a compensation plan having the approval of the state department.

6. Projects. No work relief project shall be undertaken or authorized (a) unless it is in the public interest and by a public agency;

(b) under contract notwithstanding any provisions contained in any charter or in any general, special or local law requiring such work to be let by contract:[1]

(c) unless it is suited to the labor available on home relief rolls;

(d) if work relief employees thereon shall be used to replace regular employees of any public department or agency of a county, city or town;

(e) where the cost of supervision and non-relief labor, skilled or unskilled, materials, supplies, equipment, insurance, compensation plan and incidental expenses shall exceed twenty-five per centum of the total cost of the project; and

(f) unless there shall be filed in the office of the clerk of the county, city or town

(i) a copy of the resolution of the legislative body or of the work relief committee certifying that such project is in the public interest, and

(ii) a signed statement of the public welfare official that the project is suited to the labor available on home relief rolls and that there are a sufficient number of eligible persons on the home relief rolls to carry out the project.

7. Financing of work relief. (a) Work relief wages shall be paid from funds appropriated for home relief.

(b) Estimates, appropriations and supplemental appropriations for the cost of work relief projects other than work relief wages shall be made in the same manner as for the local share of home relief, and all provisions of law in respect to the financing of the local share of home relief and to levying of taxes therefor shall be applicable to the financing of such costs of work relief projects.

8. State reimbursement. (a) A county or city department of public welfare desiring state reimbursement for work relief shall submit to the department an application for approval of the work relief plan of the city or county. When work relief is administered by towns the county department of public welfare shall in like manner submit the work relief plans of the towns to the department.

(b) The department shall, not later than thirty days after this act shall become law, send to the county and city departments of public welfare forms for application for approval of a work relief

[1] So in original. Probably should be semicolon.

plan. Such forms may require full information as to the method of determining the number of days of work to be given each person, the method of payment of wages and other pertinent facts in regard to the work relief plan, but shall not require information in regard to projects to be undertaken. Within thirty days of the receipt of an application for approval of a work relief plan, the department shall notify the county or city department of its decision in relation thereto.

(c) When certified by the department there shall be paid from the state treasury upon the audit and warrant of the comptroller out of funds made available by the legislature for reimbursement for home relief, reimbursements to counties, cities and towns to the same extent with respect to the amount of the work relief wages paid to eligible persons employed under a work relief plan which has the approval of the department as is required with respect to approved expenditures for home relief under section one hundred sixty of this chapter, provided, however, that such reimbursement shall in no event operate to increase the amount which otherwise would have been required to be paid by the state pursuant to section one hundred sixty of this chapter. Payments to towns shall be to the fiscal officer of the county for the account of and reimbursement to the towns therein. No state reimbursement shall be payable for any expense incurred for supervision and non-relief labor, skilled or unskilled, materials, supplies, equipment, workmen's compensation or other compensation plan for work relief employees and incidental expenses.

9. Application. Work relief wages shall be deemed a method of providing home relief and any provisions of this chapter relating to home relief not inconsistent with this section shall be applicable thereto.

10. As used in this section, the words "legislative body" shall mean "board of estimate" in a municipality having such a board.

11. Effective for temporary period. This section shall be effective only to July first, nineteen hundred forty-seven.

Added by L. 1942, *C.* 926; *subdivision* 8(*c*) *as amended by L.* 1946, *C.* 200; *subdivision* 11 *as last amended by L.* 1946, *C.* 398, *eff. April* 1, 1946.

TITLE 3

VETERAN ASSISTANCE

Section 168. Definitions.
169. Eligibility.
170. Character and adequacy of assistance.
171. Responsibility.
172. Moneys to be provided; how expended.
173. Administration outside the city of New York.
174. Joint assistance committees.
175. Administration of veteran assistance in New York city.
176. Burial of soldiers, sailors, marines, nurses and their families; headstones.

§ 168. **Definitions.** As used in this title.

1. Veteran means a person, male or female, who has served in the military or naval service of the United States and has been honorably discharged from such service or furloughed to the reserve. His or her family shall include a dependent widowed daughter and the families of any who may be deceased.

Subdivision 1 as amended by L. 1943, C. 286, eff. April 5, 1943.

2. Veteran organization means the:

(a) Grand Army of the Republic;
(b) United Spanish War Veterans;
(c) American Legion;
(d) Disabled American Veterans;
(e) Veterans of Foreign Wars of the United States;
(f) Jewish War Veterans of the United States, Incorporated;
(g) Catholic War Veterans, Incorporated;
(h) Army and Navy Union of the United States;
(i) Italian American World War Veterans of the United States, Incorporated;
(j) Polish Legion of American Veterans, Incorporated.
(k) The Marine Corps League.
(l) Military Order of the Purple Heart, Inc.

Subdivision 2 as amended by L. 1946, C. 638, eff. April 9, 1946.

§ 169. **Eligibility.** A veteran, and his family, in need of public assistance and care who is a resident of a public welfare district or of a county, or of a city or town thereof on the date of making an application for assistance, shall be eligible to receive veteran assistance.

As amended by L. 1946, C. 462, eff. April 4, 1946.

§ 170. **Character and adequacy of assistance.** They shall be given assistance in their own homes, or, if it is not practicable to care for such persons in their own homes, they may be committed to a soldiers' home or other suitable state institution, or to any other home or hospital, but no person eligible for veteran assistance shall be committed to a public home.

§ 171. **Responsibility.** The liability of a public welfare district or of a city, county or town thereof for veteran assistance shall be determined according to the provisions of this chapter.

As amended by L. 1945, C. 816, eff. April 16, 1945.

§ 172. **Moneys be provided; how expended.** 1. The public welfare official in any city or county shall include in his annual estimate the amount necessary to carry out the provisions of this title.

As amended by L. 1945, C. 816, eff. April 16, 1945.

2. Legislative bodies shall make appropriations and raise money for veteran assistance in the same manner as for the assistance and care of other persons in need of public assistance and care.

3. Such legislative bodies shall determine the method whereby such veteran assistance fund shall be drawn upon by the organizations authorized to dispense veteran assistance and may also pay to the chairman and such other employees of the assistance committee of any veteran organization authorized to draw upon the veteran assistance fund a reasonable sum for his services in connection with the administration of veteran assistance.

§ 173. **Administration outside the city of New York.** 1. (a) Any post, camp, or garrison of a veteran organization shall be authorized to administer veteran assistance.

(b) Any memorial, relief or executive committee of similar purpose of any such post, camp or garrison shall have like powers and duties as any post, camp or garrison. Its chairman or treasurer and bureau of assistance or assistance committee shall exercise the same privilege and powers as the commander, quartermaster or treasurer and assistance committee of a garrison, post or camp, on complying with the requirements of this title.

2. (a) Applications. Applications for veteran assistance shall be made in writing by the commander and quartermaster or treasurer or upon written recommendation of the assistance committee of a veteran organization located in the town, city or county where the person in need of assistance resides. If there be no such organization in the town, city or county where the person in need of veteran assistance resides, application may be made in like manner by an organization located in the nearest town, city or county.

(b) Notices; undertakings. The commander of any such post, garrison or camp which shall undertake to administer assistance under this title, before his acts shall become operative, shall file with the clerk of the town, city or county a notice that such post, garrison or camp intends to undertake such administration of assistance. The notice shall contain the names of the assistance committee, the commander and other officers of the post, garrison or camp, and also an undertaking to such city, town or county, with sufficient sureties for the faithful and honest discharge of his duties under this title. The undertaking shall be approved by the treasurer of the city or county or the supervisor of the town from which such assistance is to be received. The commander shall annually thereafter, during the month of October, file a similar notice with said city, town or county clerk, with a detailed statement of the amount of assistance requested by him during the preceding year, with the names of, and the amount granted to, each person, together with a brief statement in each case as to the reasons for the granting of such assistance.

In cities of over one hundred thousand inhabitants, exclusive of the city of New York, the notice and detailed statements shall be filed in duplicate with the comptroller of the city and the undertaking shall be approved by him.

(c) Reimbursement for expenditures. Moneys actually expended by any post, garrison or camp for veteran assistance shall be reimbursed monthly to such post, garrison or camp by the comptroller

on vouchers duly verified by the commander and quartermaster of said post, garrison or camp, showing the date and amount of each payment, the certificate of the post, garrison or camp assistance committee signed by at least three members, none of whom shall have received any of the assistance for which reimbursement is asked, showing that the person relieved was an actual resident of such city or county, and that they recommend each payment, and the receipt of the recipient for each payment, or in case such receipt could not be obtained, a statement of such fact, with the reason why such receipt could not be obtained. Such vouchers shall be made in duplicate on blanks to be supplied by the comptroller and shall be presented to the public welfare official of the city or county. If such official finds that such moneys have been actually expended as in said vouchers stated, he shall approve the same, and file one of said duplicates in his office and forward the other to the comptroller, who shall pay the same by a warrant drawn to the order of the said commander.

Subdivision 2(c) *as amended by L.* 1945, *C.* 816, *eff. April* 16, 1945.

§ 174. **Joint assistance committees.** 1. In all counties or cities, except the city of New York, where there is more than one veteran organization or more than one post, camp or garrison of any veteran organization, there shall be appointed and constituted a joint assistance committee, to consist of one representative from each post, camp and garrison chosen in such manner as the post, garrison or camp shall direct, and one member from the auditing board of such city.

Subdivision 1 *as amended by L.* 1945, *C.* 816, *eff. April* 16, 1945.

2. In cities of not less than five hundred thousand, and not more than one million population, there may be appointed a joint assistance committee to consist of representatives from (a) each post of the Grand Army of the Republic, (b) each camp of the United Spanish War Veterans, (c) each post of the Jewish War Veterans of the United States, Inc., (d) the Catholic War Veterans, Inc., (e) the Italian American World War Veterans of the United States, Inc., (f) the Polish Legion of American Veterans, Inc., (g) the Marine Corps League, (h) the Army and Navy Union of the United States of America, chapters of the Disabled American Veterans, the Regular Veterans' Association and (i) posts of organizations of world war veterans and from posts of the Veterans of Foreign Wars of the United States.

Subdivision 2 *as last amended by L.* 1946, *C.* 375, *eff. April* 1, 1946.

3. All orders for veteran assistance shall be referred to such joint assistance committee and no veteran assistance shall be granted except upon approval of the majority of such joint assistance committee made at the next stated meeting.

4. No post, garrison or camp shall be entitled to membership on the joint assistance committee unless it has complied with all the

provisions of this and the preceding section and has appointed a representative to serve on such joint assistance committee.

5. In case of failure to comply with the above provisions, such a post, garrison or camp shall not be entitled to draw upon the veteran assistance fund appropriated by the city.

§ 175. **Administration of veteran assistance in New York city.** 1. In the city of New York, veteran assistance committee means each welfare committee chosen by the county unit of each veteran organization.

2. In the city of New York, veteran assistance shall be paid or granted direct to the beneficiaries by the commissioner of public welfare through the veterans division of the department of public welfare on a written recommendation signed by three members of the veteran assistance committee of the county in which the applicant resides.

3. The comptroller of the city of New York, shall, out of the amount appropriated for such assistance, provide a cash fund to be placed under the control of the commissioner from which to pay such assistance, and he shall replenish said fund upon presentation of properly receipted recommendations by the county veteran assistance committees for the amounts paid out of said fund.

As amended by L. 1942, *C.* 526, *eff. July* 1, 1942.

§ 176. **Burial of soldiers, sailors, marines, nurses and their families; headstones.** 1. Burial. (a) The board of supervisors in each of the counties, or the board of estimate of the city of New York, shall designate some proper person, association or commission, other than that designated for the care of burial of public charges or criminals, who shall cause to be interred the body of any honorably discharged soldier, sailor, marine, nurse, or other member of the armed forces of the United States, whether male or female, who has served in the military or naval service of the United States, or any branch thereof, or the body of any minor child or of the wife or widow of any soldier, sailor, marine, or other member of the armed forces of the United States, who shall die such widow, if such person shall hereafter die in a county or in the city of New York without leaving sufficient means to defray his or her funeral expenses.

Subdivision 1(*a*) *as amended by L.* 1946, *C.* 754, *eff. April* 14, 1946.

(a) The board of supervisors in each of the counties, or the board of estimate of the city of New York, shall designate some proper person, association or commission, other than that designated for the care of burial of public charges or criminals, who shall cause to be interred the body of any honorably discharged soldier, sailor, marine or nurse who has served in the military or naval service of the United States, or the body of any minor child or either parent, or of the wife or widow of any soldier, sailor or marine, who shall die such widow, if such person shall hereafter die in a county or in the city of New York without leaving sufficient means to defray his or her funeral expenses.

Subdivision 1(*a*) *as amended by L.* 1946, *C.* 755, *eff. April* 14, 1946.

(b) The cost of such interment shall in no case exceed two hundred dollars.

Subdivision 1(*b*) *as amended by L.* 1946, *C.* 756, *eff. April* 14, 1946.

(c) If the deceased has relatives or friends who desire to conduct the burial, but are unwilling to pay the charge therefor, such sum shall be paid by the county treasurer or other fiscal officer, to the person, association or commission so conducting such burial, upon due proof of the claim, made to such person or commission of the death or burial of such a person, and audit thereof.

(d) Such interment shall not be made in a cemetery or cemetery plot used exclusively for the burial of needy persons deceased, and the board of supervisors of each county is hereby authorized and empowered to purchase and acquire lands, or to appropriate money for the purchase and acquisition of lands, for a cemetery or cemetery plot for the burial of any such persons and also to provide for the care, maintenance or improvement of any cemetery or plot where such persons are buried or may hereafter be buried.

2. Headstones. (a) The grave of any such person whose body has been heretofore or shall hereafter be so interred, or who shall have been heretofore buried in any of the counties of this state, but whose grave is not marked by a suitable headstone, if such person has died or shall die without leaving means to defray the expense of such headstone, or whose grave shall have remained unmarked for five years by a suitable headstone, shall be marked by a headstone bearing the name of the deceased, the war in which he served, and, if possible, the organization to which he belonged or in which he served.

(b) The headstone at the grave of the wife or widow of such an honorably discharged soldier, sailor or marine shall contain the name of the deceased, the war in which her husband served, and, if possible, the organization to which he belonged or in which he served.

(c) Such headstone shall not cost more than one hundred dollars, and shall be of such design and material as shall be approved by the board of supervisors.

Subdivision 2(*c*) *as amended by L.* 1946, *C.* 757, *eff. April* 14, 1946.

(d) Where a headstone or the foundation thereof as herein provided, shall have become damaged by accident or the elements, it may be repaired, provided the expense is less than the cost of a new headstone.

(e) The Board of Supervisors of the county of which such deceased person was a resident at the time of his or her death is hereby authorized and directed to audit the account and pay the expenses of such burial and headstone, and a reasonable sum for the services and necessary expenses of the person or commission so designated. In case such person shall be at the time of his or her death an inmate of any state institution, including state hospitals

and soldiers' homes, or any institution, supported by the state and supported by public expense therein, the expense of such burial and headstone shall be a charge upon the county of his or her legal residence.

3. Reports. It shall be the duty of the person or commission in this section provided, prior to the annual meeting of the board of supervisors to make an annual report to such board of supervisors of all applications since the last annual report for burial and the erection of tombstones as provided herein, together with the amounts allowed. All applications herein referred to shall accompany said annual report and be placed and kept on file with the board of supervisors.

TITLE 4

MEDICAL CARE

Section 184. Responsibility for providing medical care.
185. Place of care.
186. Physicians.
186-a. Emergency services by physicians who are public officers or employees.
187. Care in hospitals.
188. Care of patients suffering from tuberculosis.

§ 184. **Responsibility for providing medical care.** The public welfare district shall be responsible for providing necessary medical care for all persons under its care, and for such person,* otherwise able to maintain themselves, who are unable to secure necessary medical care. The determination as to medical care necessary for any person shall be made with the advice of a physician.

As amended by L. 1941, *C.* 82, *eff. Mar.* 1, 1941.

§ 185. **Place of care.** Medical care may be given in dispensaries, hospitals, the person's home or other suitable place.

§ 186. **Physicians.** 1. When a legislative body shall make an appropriation for the purpose, one or more physicians shall be appointed to care for sick persons in their homes.

2. Such physicians shall be appointed

(a) in a county public welfare district, by the county commissioner,

(b) in a city, in accordance with the provisions of the general or local law relating thereto. If a city shall authorize the public welfare official to appoint physicians to care for sick persons in their homes as employees of the public welfare department, notwithstanding the provisions of any general or local law, the city may, by ordinance or local law, abolish the office of a city physician, who is otherwise appointed to provide such care,

(c) in a town, by the town board.

3. Where no physician is so appointed, the public welfare official shall employ a physician or physicians to visit sick persons in their homes whenever necessary.

* So in original. Probably should read "persons."

4. The department may employ, to serve during its pleasure, competent physicians to attend upon or administer to the needs of the sick and dependent Indians on the reservations. Salaries of such physicians shall be fixed by the department and paid from the funds appropriated for maintenance of state and Indian needy.

§ 186-a. **Emergency services by physicians who are public officers or employees.** In view of the present war emergency and the extreme shortage of physicians, and to safeguard the life and health of recipients of public assistance:

1. Physicians who are officers or employees of any political subdivision, municipality or public agency, may be engaged to render medical care and service to recipients of public assistance;

2. Payment of fees for such services may be made from public funds as in the case of services rendered by physicians who are not public officers or employees;

3. State reimbursement for part or all of such payments may be made as in the case of payments made to physicians who are not public officers or employees;

4. When services are rendered to public assistance recipients by public officers or employees, neither payment of fees for such services from public funds nor state reimbursement for such payments shall be deemed to be authorized by the provisions of this section if:

(a) it is the official duty of the officer or employee to render the services;

(b) the officer or employee has the power to authorize the services or payment therefor;

(c) it is the duty of the officer or employee to audit bills or claims for the services rendered;

(d) the terms of employment of the officer or employee prohibit or prevent him from maintaining a private medical practice.

5. The provisions of this section shall be liberally construed to the end that, except as provided in subdivision four, all prohibitions, direct or indirect, statutory or otherwise, against the use of professional services of physicians who are public officers or employees in the care and treatment of recipients of public assistance shall be effectively removed.

6. Effective for temporary period. This section shall be effective only to July one, nineteen hundred forty-seven.

Added by L. 1945, *C.* 815, *eff. April* 17, 1945; *as last amended by L.* 1946, *C.* 348, *eff. April* 1, 1946.

§ 187. **Care in hospitals.** 1. A public welfare district, and a city responsible pursuant to any provisions of this chapter for the authorization of hospital care, shall provide needed care for sick and disabled persons in a hospital maintained by the municipality or in any other hospital visited, inspected and supervised by the board. In the absence of adequate facilities conveniently accessible, such district or city may provide such care in a hospital located without the state, which is visited, inspected and supervised by the

board and conducted in conformity with the rules of such board. It may contract with such other hospital to pay such sum for the care of sick persons as may be agreed upon.

Subdivision 1 as last amended by L. 1946, C. 200, eff. April 1, 1946.

2. (a) As far as practicable, no patient whose care is to be a charge on a public welfare district, or a subdivision thereof, shall be admitted to a hospital without the prior approval of the public welfare official responsible, pursuant to any provisions of this chapter, for the authorization of such care.

Subdivision 2(a) as amended by L. 1946, C. 200, eff. April 1, 1946.

(b) In any case where the patient is a public charge, the public welfare official may, when in the opinion of a physician the condition of the patient permits, transfer such patient to another hospital or provide care in any other suitable place.

(c) If, in case of emergency, a patient is admitted without prior authorization of the public welfare official empowered to approve payment for such care, and the hospital wishes to receive payment from public funds for such patient, the hospital shall, within forty-eight hours of the admission, Sundays and legal holidays excepted, send to such official a report of the facts of the case, including a statement of the physician in attendance as to the necessity of the immediate admission of such patient to the hospital. If the public welfare official responsible for authorizing such care is not known by the hospital, such notice shall be sent to the commissioner of the public welfare district in which the hospital is located, and such commissioner shall be responsible for making an investigation to discover whether any public welfare district or the state is liable for payment for the care of such patient. The cost of the care of such a patient shall be a charge against the public welfare district only when authorized by the commissioner of public welfare or his agent.

Subdivision 2(c) as amended by L. 1946, C. 200, eff. April 1, 1946.

§ 188. **Care of patients suffering from tuberculosis.** 1. The public welfare district shall likewise provide suitable care for patients suffering from tuberculosis in a county or city tuberculosis hospital or in any other hospital or sanitarium approved by the board or in a boarding house approved in writing for this purpose by the health officer in charge of the locality where it is situated.

2. In a public welfare district which has no tuberculosis hospital, the commissioner, upon receipt of a written application accompanied by a certificate of a reputable physician, stating that he has examined such applicant within the ten days next preceding and that such applicant is, in his judgment, suffering from tuberculosis, may apply to the superintendent of any tuberculosis hospital for the admission of such patient. The commissioner shall furnish a blank to be used by physicians for such certificates.

3. The commissioner may apply for admission to the New York state hospital for the treatment of incipient pulmonary tuberculosis on behalf of any patient suffering with tuberculosis in an incipient stage, or suspected of having tuberculosis in an incipient stage. Applications and admissions to such hospitals shall be made in accordance with the provisions of the public health law, and regulations of the state commissioner of health.

TITLE 5

Public Institutional Care for Adults

Section 193. Public homes.
194. Powers and duties of commissioners of public welfare in relation to public homes.
195. Medical care.
196. Report on needs of inmates of public homes.
197. Inmates' right of appeal.
198. Control of inmates.
199. Power of commissioner of public welfare to detain certain inmates.
200. Powers and duties of the commissioner of public welfare in relation to the public farm.
201. Visitation and inspection of public homes.
202. Construction and administration of public homes.
203. Investigation by the board.

§ 193. **Public homes.** Each public welfare district may establish and maintain a public home and may operate a farm in connection therewith, or may contract with another public home for the care and maintenance of persons in need of institutional care.

§ 194. **Powers and duties of commissioners of public welfare in relation to public homes.** Commissioners of public welfare shall

1. be responsible for the management of the home and for the care of its inmates,

2. have control of the admission and discharge of inmates of the home,

3. within the limits of the appropriations made for the purpose, appoint qualified physicians, matrons, nurses, officers and employees, and vest in them such powers as he may deem necessary for the management of the home,

4. purchase all furniture, implements, food, materials and equipment necessary for the upkeep of the home and for the care of the needy in the home, unless such powers have been vested in some other purchasing agency,

5. classify the inmates of the home, and provide the type of care best fitted to their needs and carry out the recommendations of the attending physician in regard to their care,

6. establish rules for the administration of the public home and for the conduct and employment of the inmates thereof; but such rules shall not be valid unless approved in writing by the department,

7. as far as practicable provide suitable employment for any inmate whom the attending physician pronounces able to work, assigning such inmates to such labor in connection with the farm and garden, or the care and upkeep of the buildings or other suitable tasks in the public home as they may be deemed capable of performing, and providing occupational and other diversions as may be for the best interests of the inmates,

8. when an appropriation is made for the purpose, appoint a superintendent of the public home who shall reside thereat and exercise such of the powers and carry out such of the duties above mentioned in connection with the public home as the commissioner may direct,

9. reside at the public home unless a superintendent has been appointed as above provided.

§ 195. **Medical care.** 1. Each inmate shall be examined by the attending physician or physicians as soon after admission to the public home as practicable.

2. A medical record shall be kept for each inmate, in which shall be recorded his condition on admission, the physician's recommendation of the type of care to be given him and any medical attention given to the inmate subsequent to the examination on admission.

3. The physician shall be responsible for the medical care given inmates who are ill, and shall give such orders as he considers necessary for their welfare. He shall (a) visit the public home at regular intervals and shall re-examine the inmates periodically, as the need of the inmates may require,

(b) also visit the public home, on call of the superintendent, in case of the illness of any inmate,

(c) make such recommendations to the commissioner of public welfare as to changes, improvements and additional equipment as he may deem necessary for the adequate care of the inmates of such home.

4. Any physician who accepts an appointment as attending physician to the inmates of a public home shall be obligated to carry out the provisions of this section. The commissioner may dismiss an attending physician who fails to fulfill such duties.

§ 196. **Report on needs of inmates of public homes.** It shall be the duty of the commissioner of public welfare to report to the legislative body as to the needs of the home and to make recommendations of any changes, improvements, additional equipment or other provision which he may consider necessary to provide adequate care for the inmates.

§ 197. **Inmates' right of appeal.** Any inmate of a public home, who considers himself to have a cause for complaint against any officer or employee of the public home, shall have the right of appeal to the superintendent of the public home, and to the commissioner of public welfare.

§ 198. **Control of inmates.** If any inmate shall wilfully disobey the rules of the home in such a way as to be detrimental to the welfare of the other inmates, the commissioner may institute a

proceeding in a court of competent jurisdiction against such inmate for disorderly conduct.

As amended by L. 1941, *C.* 82, *eff. March* 1, 1941.

§ 199. **Power of commissioner of public welfare to detain certain inmates.** The commissioner of public welfare shall have power to detain in the public home, pending a vacancy for such person in a state institution, a person over the age of sixteen who has been certified as mentally defective or epileptic in accordance with the provisions of the mental hygiene law and for whom an application for admission to a state institution has been made. Whenever the commissioner shall so detain an inmate in the public home he shall at once notify the state department of mental hygiene.

§ 200. **Powers and duties of the commissioner of public welfare in relation to the public farm.** If the legislative body of a public welfare district shall authorize the maintenance of a public farm in connection with the public home, the commissioner of public welfare shall

1. be responsible for the management of the public farm,
2. utilize the labor of such of the inmates of the public home as may in the judgment of the attending physician be able to work on the farm,
3. make all purchases necessary for the operation of the public farm unless such powers have been vested in some other purchasing agency,
4. sell such surplus produce and proceeds of such farm and labor as may remain after the needs of the inmates of the public home have been supplied,
5. employ, within the limits of the appropriation made for the purpose, such laborers as may be necessary for the management of the farm,
6. keep a record of the work of the farm, including the labor of the inmates of the public home on the farm and of the produce and proceeds of the farm supplied for the use of the public home, with the estimated value of such produce and proceeds.
7. when an appropriation has been made for the purpose, appoint an officer who shall be responsible for exercising such of the powers and carrying out such of the duties above mentioned as the commissioner may direct,
8. make an annual report to the legislative body in regard to the receipts and disbursements of the public farm and the cost of its operation.

§ 201. **Visitation and inspection of public homes.** 1. The board shall visit, inspect and maintain a general supervision over public homes in this state.

2. On visits inquiry shall be made to ascertain:

(a) whether the law and the rules of the board and the regulations of the department in respect to such public homes are fully complied with,

(b) the condition of its finances generally,

(c) the methods of government, care, medical attention, treatment and discipline of its inmates, and whether the same are best fitted to the needs of its inmates,

(d) the qualifications and general conduct of its officers and employees,

(e) the condition of its grounds, buildings and other property,

(f) any other matter connected with, or pertinent to, its usefulness and good management.

3. Any member or representative of the board shall have free access to the grounds, buildings, books and papers relating to such public home, and may require from the officers and persons in charge any information deemed necessary.

4. Any officer, superintendent or employee of any such public home, who shall wilfully refuse to admit any such commissioner or representative, for the purpose of visitation and inspection, or who shall refuse or neglect to furnish the information required by the board, shall be guilty of a misdemeanor, and subject to a fine of one hundred dollars for each such refusal or neglect.

5. The rights and powers hereby conferred may be enforced by an order of the supreme court after notice and hearing, or by indictment by the grand jury of the county, or both.

§ 202. **Construction and administration of public homes.** 1. No building to be used as a public home shall be constructed, or remodeled, in whole or in part, except on plans and designs approved in writing by the department provided that such approval in writing in the city of New York shall be by the board of estimate of said city.

2. It shall be the duty of the department to send to the legislative body and the public welfare official in charge of a public home a written statement as to any abuses, defects or evils, which it may find in the public home or in the administration thereof, and such legislative body and official shall take action to remedy such condition in accordance with such advice.

§ 203. **Investigation by the board.** 1. The board may direct an investigation by a committee of one or more of its members or by the commissioner of the affairs and management of a public home, the conduct of its officers and employees, or the adequacy or suitability of its plant or equipment. Persons designated to make such investigation may issue subpoenas for the attendance of witnesses and the production of books and papers, administer oaths, examine persons under oath, and exercise the same powers in respect to such proceedings as belong to referees appointed by the supreme court.

2. If it shall appear, after such investigation, that the inmates of such public homes are cruelly, negligently or improperly treated, or inadequate provision is made for their sustenance, clothing, care, medical treatment and supervision or that such public home is insanitary or inadequate for the proper care and reasonable classification of the inmates, or in the judgment of the board unsafe, the board may issue an order in the name of the

people, and under its official seal, directed to the proper officer of such public home, requiring him to modify such treatment or apply such remedy, or both, as shall therein be specified. Before such order is issued it must be approved by a justice of the supreme court, after such notice as he may prescribe, and an opportunity to be heard thereon, and any person to whom such an order is directed who shall wilfully refuse to obey the same shall, upon conviction, be deemed guilty of a misdemeanor.

TITLE 6

OLD AGE ASSISTANCE

Section 207. Declaration of object; definitions.
208. Responsibility.
209. Application for old age assistance.
210. Eligibility.
211. Character and adequacy of assistance.
212. Investigation of applications.
213. Grant of assistance; review by department.
214. Periodic reconsideration of old age assistance.
215. Investigation of complaints.
216. Rules, regulations and forms.
217. Moneys to be provided by old age assistance districts; how expended.
218. Quarterly estimates.
219. Federal old age assistance.
220. Reimbursement and advances by the state.
222. Provisions governing operation of title upon discontinuance of federal moneys.
223. Assets.
224. Lien on real property.
225. Burial of recipients of old age assistance.
226. Distribution of recoveries.
227. Application.

Section 221 *repealed by L.* 1946, *C.* 200, *eff. April* 1, 1946.

§ 207. **Declaration of object; definitions.** 1. Assistance of aged persons who are in need is hereby declared to be a special matter of state concern and a necessity in promoting the public health and welfare. To provide such assistance at public expense, a state-wide system of old age assistance is hereby established, to operate in a uniform manner with due regard to the varying living conditions and costs of living.

Subdivision 1 *as amended by L.* 1944, *C.* 397, *eff. March* 31, 1944.

2. When used in this title:

(a) old age assistance district shall mean any city or county public welfare district, or any city forming part of a county public welfare district which has heretofore elected to furnish old age assistance to persons residing in such city and which hereafter continues to be responsible for such assistance.

(b) assistance shall be construed to include aid, care, support, service, medical or surgical care, and nursing.

3. The legislative bodies and the fiscal officers of counties and cities shall be the legislative bodies and fiscal officers of their respective old age assistance districts.

Subdivisions 2 and 3 added by L. 1946, C. 200, eff. April 1, 1946; former subdivisions 2 and 3 repealed by same law.

§ 208. **Responsibility.** 1. (a) Subject to partial or entire reimbursement by the state and to supervision by the department, each old age assistance district shall be responsible for the expense of furnishing old age assistance to the persons eligible therefor who reside in its territory. Temporary absence, within or without the state, of such persons from such territory shall not affect their eligibility for such assistance.

(b) An old age assistance district shall be entitled to reimbursement by another old age assistance district for hospital or other institutional care provided for a person who is a local charge and whose last continuous residence of six months in the two years prior to the granting of such hospital or other institutional care was within the territory of such other old age assistance district.

2. The public welfare officials of the cities and counties which are old age assistance districts shall be responsible for the administration of old age assistance in their respective old age assistance districts, unless all or part of such responsibility is delegated to another public welfare official pursuant to the provisions of title three-a of article three.

3. A city forming part of a county public welfare district which heretofore elected to become an old age assistance district may determine, by resolution of its legislative body, adopted by a majority vote of all of its members, to transfer the administration of old age assistance in such city, and the responsibility for the expense thereof, to the county in which the city is located. Within ten days after its adoption, a copy of such resolution shall be filed with the clerk of the board of supervisors of the county in which the city is located, and with the department. Such resolution shall become effective upon the acceptance of such transfer by the legislative body of the county. After the effective date of such resolution and transfer, the city shall not be responsible for the expense of providing old age assistance in such city; nor shall it be responsible for the administration of such assistance, except pursuant to the provisions of title three-a of article three.

4. Nothing contained in this chapter shall be construed to authorize or require that any part of the amounts expended by a county old age assistance district for old age assistance shall be charged back to a town or city within such county. However, this section shall not be deemed to prohibit payments to a county by a city for old age assistance administered by the county for the city pursuant to the provisions of title three-a of article three.

Added by L. 1946, C. 200, eff. April 1, 1946; former section 208 repealed by same law.

§ 209. **Application for old age assistance.** 1. A person requesting old age assistance may make his application therefor in person or through another in his behalf to the public welfare official of the county, city or town, or the service officer of the city or town in which the applicant resides or is found.

Subdivision 1 *as amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

2. An inmate of a public home, of any hospital, of any state institution, or of any institution of a correctional character, may make an application while in such home, hospital or institution, but the assistance, if granted, shall not begin until after he ceases to be such an inmate.

Subdivision 2 *as amended by L.* 1944, *C.* 399, *eff. March* 31, 1944.

3. The application shall be made in writing or reduced to writing.

§ 210. **Eligibility.** Old age assistance shall be given to any person who 1. shall have attained the age of sixty-five years;

2. is unable to support himself, either in whole or in part, has no legally responsible relatives able and willing to support him and is without other means or sources of income by which he can be maintained;

3. is a resident of the state on the date of application;

4. is not an inmate of any public home, of any hospital, of any state institution, or of any institution of a correctional character, except in the case of temporary medical or surgical care given in a hospital to a person already receiving old age assistance;

5. has not made a voluntary assignment or transfer of property for the purpose of qualifying for such assistance.

As last amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 211. **Character and adequacy of assistance.** 1. It shall be the duty of public welfare officials to provide adequately for those eligible for old age assistance.

2. The amount and nature of the assistance and the manner of providing it, shall be determined by the public welfare officials with due regard to the conditions existing in each case, and in accordance with the rules of the board, and the regulations of the department; provided, however, that the department is hereby empowered to withhold reimbursement on any grant which it deems inadequate to maintain minimum standards of health and decency.

Subdivision 2 *as last amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

3. Whenever practicable assistance shall be granted in the form of cash or a check.

4. Assistance shall be provided for the recipient in his own or some other suitable family home, or a private home for the aged, or in a private nursing home, except that temporary care in a hospital may be provided with the approval of the department.

Subdivision 4 *as amended by L.* 1944, *C.* 398, *eff. March* 31, 1944.

§ 212. **Investigation of applications.** Whenever an application for old age assistance is made, an investigation and record shall be promptly made of the circumstances of the applicant and the circumstances of his responsible relatives. The object of such investigation shall be to ascertain the facts supporting the application and to obtain such other information as may be required by the regulations of the department.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 213. **Grant of assistance; review by department.** 1. Upon the completion of such investigation the public welfare official shall

(a) decide whether the applicant is eligible for and should receive old age assistance, the amount, nature and manner of paying or providing it and the date on which it shall begin,

(b) make an award which shall be binding upon the old age assistance district and be complied with by such district until modified or vacated,

(c) notify the applicant of his decision in writing.

2. Where an application is not acted upon by the public welfare official within thirty days after the filing of the application or is denied or the grant is deemed inadequate by the applicant, the latter may appeal to the department, which upon receipt of the appeal shall review the case and shall give the applicant making the appeal an opportunity for a fair hearing thereon. The department may also, on its own motion, review any decision made, or any case in which a decision has not been made by the public welfare official within the time specified.

3. The department may make such additional investigation as it may deem necessary, and shall make such decision as to the granting of assistance and the amount and nature of assistance to be granted the applicant as in its opinion is justified and in conformity with the provisions of this title. All decisions of the department shall be binding upon the old age assistance districts involved and shall be complied with by the public welfare officials thereof.

§ 214. **Periodic reconsideration of old age assistance.** All grants of assistance under this title shall be reconsidered from time to time, or as frequently as may be required by the rules of the board and the regulations of the department. After such further investigation as the public welfare official may deem necessary or the department may require, the amount and manner of giving assistance may be changed or the assistance may be withdrawn if such official finds that the recipient's circumstances have changed sufficiently to warrant such action. It shall be within the power of the public welfare official at any time to cancel and revoke assistance for cause, and he may for cause suspend payments thereof for such periods as he may deem proper, subject to review by the department, as provided in the preceding section.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 215. **Investigation of complaints.** 1. Any person who has knowledge that old age assistance is being improperly granted or administered may file a complaint in writing with the department setting forth the particulars of such violation.

2. (a) Upon receipt of such complaint, the department shall make an investigation of the allegations set forth in such complaint.

(b) If at any time the department has reason to believe that old age assistance has been improperly granted, it shall cause an investigation to be made.

3. It shall notify the public welfare officials of any such proposed investigation.

4. If it appears as a result of any such investigation that the assistance was improperly granted, the department shall immediately notify the public welfare official, that it will not approve any payment made thereafter.

§ 216. **Rules, regulations and forms.** The department shall 1. supervise the administration of old age assistance by the public welfare officials,

2. prescribe the form of and print and supply to the public welfare officials blanks for applications, reports, affidavits and such other forms as it may deem advisable,

3. make regulations necessary for the carrying out of the provisions of this title to the end that old age assistance may be administered uniformly throughout the state, having regard for the varying costs of living in different parts of the state and that the spirit and purpose of this title may be complied with. All rules of the board and regulations made by the department under this title shall be binding upon the public welfare officials and the old age assistance districts.

§ 217. **Moneys to be provided by old age assistance districts; how expended.** 1. The legislative body of the old age assistance district shall annually appropriate and make available to the order of the public welfare official such a sum as may be needed for old age assistance, together with a sufficient sum to defray administrative expenses to be incurred in connection therewith. When assistance for which the old age assistance district is responsible, is administered, pursuant to the provisions of title three-a of article three, by a public welfare official who is not an officer of the district for which the appropriation was made, all or any part of the sum appropriated shall be made available to such officer, and to the municipality of which he is an officer, in the manner, and at such times, as is required by or pursuant to other provisions of this chapter. The legislative body of the old age assistance district shall include such sums in the taxes to be levied in the territory responsible for such old age assistance.

Subdivision 1 *as amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

2. Notwithstanding the provisions of any other statute, any amount received as an advance allotment, refund or reimbursement for old age assistance, or as a recovery from the assets, insurance,

or the estate of a recipient, or from legally responsible relatives, under any provision of law because of old age assistance furnished, shall be credited to the fund from which payments for old age assistance or administration thereof may be drawn.

3. All necessary expenses incurred by a public welfare district in carrying out the provisions of this title shall be paid by such district, on authorization of the public welfare official, in the same manner as other expenses thereof are paid, subject to partial or entire reimbursement, as the case may be, by the state as provided in this title.

§ 218. **Quarterly estimates.** Each old age assistance district shall submit to the department quarterly estimates of its anticipated expenditures for old age assistance and administrative expenses not less than thirty days before the first day of each of the quarters beginning on the first day of the months of July, October, January and April, in such form and together with such other information as the department may require.

§ 219. **Federal old age assistance.** 1. The department shall submit the plan for old age assistance provided by this title to the social security board established by the federal social security act for approval pursuant to the provisions of such federal act. The department shall act for the state in any negotiations relative to the submission and approval of such plan and make any arrangement which may be necessary to obtain and retain such approval and to secure for the state the benefits of the provisions of such federal act relating to old age assistance. The board shall make such rules, not inconsistent with law, as may be necessary to make such plan conform to the provisions of such federal act and any rules or regulations adopted pursuant thereto. The department shall make reports to the social security board created by such federal act in the form and nature required by such board and, in all respects, comply with any request or direction of such board which may be necessary to assure the correctness and verification of such reports.

2. The department of taxation and finance shall accept and receive any and all grants and money awarded to the state for federal old age assistance pursuant to such social security act. All moneys, so received, shall be deposited by the department of taxation and finance in a special fund or funds and shall be used by the state exclusively for old age assistance and administration thereof under the provisions of this title. One-half of the amount received from the United States for the administration of old age assistance shall be used by the state for the administration of this title, in accordance with schedules approved by the director of the budget. Such money shall be paid from such fund or funds on audit and warrant of the comptroller upon vouchers of the commissioner.

Subdivision 2 *as amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

3. (a) When the moneys allotted to the state by the social security board for old age assistance for any quarter shall have been received by the department of taxation and finance, the department shall, as soon as possible, certify to the comptroller the amount to which each old age assistance district is entitled for such quarter and such amount shall be paid out of the state treasury after audit by the comptroller to the respective old age assistance districts.

(b) In like manner one-half of the allotment received by the state from the United States for administration of old age assistance shall be paid each quarter in advance to the old age assistance districts in the ratio which the amount allotted for old age assistance in such district bears to the total amount allotted to the state.

4. So long as the state shall receive grants in aid for old age assistance from the United States pursuant to the provisions of the federal social security act, the state shall pay to the United States such part of the net amount collected from the estate of a recipient of old age assistance as partial or total repayment for old age assistance as may be required by the social security board pursuant to the social security act.

§ 220. **Reimbursement and advances by the state.** 1. At the end of each quarter each old age assistance district shall submit to the department in such form as the department may require, a verified accounting of its financial operations during such quarter together with a claim for reimbursement of a part of its expenditures as herein provided.

2. The department shall thereupon certify to the comptroller for payment by the state to the credit of each old age assistance district as partial reimbursement for its expenditures under this title during such quarter such amount as shall be equal to the sum of

(a) the difference between eighty per centum of its total approved expenditure for assistance granted to local charges and the amount of federal funds received or to be received on account of such assistance, and

(b) the difference between its total approved expenditure for assistance granted to state charges and the amount of federal funds properly received on account of such assistance, and

(c) the difference between eighty per centum of its approved administrative expenses for old age assistance and the amount of federal funds received on account thereof.

3. For the purpose of reimbursement by the state, administrative expenses shall include only the salary paid to any person employed by the public welfare official for the purpose of administering old age assistance under this title. If any person shall be employed only for part time in the administration of old age assistance, only a proportionate part of the salary paid to such person shall be included as an administrative expense. No state reimbursement shall be made for the salary of any person who, in the opinion

of the department, at the time of appointment, lacks the qualifications necessary for the work for which employed or who, after a reasonable trial period, is considered by the department unable to do satisfactory work.

4. The department is authorized in its discretion to make advances to the several old age assistance districts against the state reimbursement provided for in this section, and the amounts of such advances shall be paid out of the state treasury from moneys appropriated or made available for the payment of such state reimbursement to the respective old age assistance districts after audit by the state comptroller. Advance payments to the several old age assistance districts from funds received by the state from the United States and advances and reimbursements from state funds shall be approved by the department only for

(a) old age assistance granted under the provisions of this title and in accordance with the rules of the board and regulations of the department, and

(b) for administrative costs in old age assistance districts in which methods of administration are maintained in accordance with such law, rules and regulations.

Subdivisions 2, 3 and 4 as amended by L. 1946, C. 200, eff. April 1, 1946; section heading amended by same law; subdivision 3 re-amended by L. 1946, C. 201, eff. April 1, 1946.

Section 221 repealed by L. 1946, C. 200, eff. April 1, 1946.

§ 222. **Provisions governing operation of title upon discontinuance of federal moneys.** Upon the discontinuance of federal moneys for the purposes of this title, the provisions of this title shall, nevertheless, continue in full force and effect except that the provisions of subdivision two of section two hundred and twenty shall cease to be effective and the state shall thereafter reimburse the old age assistance districts in accordance with the rules of the board and regulations of the department for

(a) eighty per centum of the cost of old age assistance so granted to local charges, and

(b) the entire cost of assistance so granted to state charges, and

(c) eighty per centum of approved administrative expenses for old age assistance.

As amended by L. 1946, C. 200, eff. April 1, 1946.

§ 223. **Assets.** The ownership of real or personal property by an applicant for old age assistance or by the spouse of such applicant, either individually or jointly, or of insurance on the life of the applicant, shall not preclude the granting of old age assistance if the applicant is without the funds necessary for his support. The public welfare officials may, whenever practicable, require that the old age assistance district be given a claim on such property and that such insurance be secured insofar as practicable, in such a manner as to insure payment of the cost of burial and the repayment to the old age assistance district of the cost of old age assistance granted to such person. The public welfare official may

1. in case of ownership of real property, take a deed or mortgage under the provisions of section one hundred six or a lien under the provisions of section two hundred twenty-four provided that property covered by such deed or mortgage shall not be sold or such lien enforced by the public welfare official prior to death of the recipient of old age assistance, unless the department shall have given its approval in writing,

2. require an assignment of an insurance policy on the life of the recipient to the public welfare official in his official capacity,

3. require that assets in the form of money or bank account in excess of the amount needed for burial be utilized for the support of the applicant and that the amount needed for burial be deposited in the name of the public welfare official or in a joint account in the name of the applicant or his representative and the public welfare official,

4. require the assignment or transfer of the title of other assets to the public welfare official to facilitate disposal of such assets at such time as may be determined by the public welfare official with the approval of the department, or required by the department.

§ 224. **Lien on real property.** 1. If an applicant for old age assistance or the spouse of such applicant, either individually or jointly, owns real property, the public welfare official may take a lien on such property as a condition of granting old age assistance. Such a lien shall be taken as hereinafter provided.

2. The applicant and the spouse of such applicant shall execute and deliver to the proper public welfare official an instrument in writing and under seal, acknowledged in the same manner as deeds for real property, creating a lien upon such real property for the purpose of reimbursing the old age assistance district for all moneys paid or to be paid for such assistance. Such lien shall contain a description of such real property and a provision for reimbursement of continuous future assistance and shall be recorded and indexed in the book of deeds in the county clerk's office of the county wherein such real property is located.

3. Upon the recording of such lien, the old age assistance district and state shall have a lien upon such real property for the amount of assistance paid or to be paid, which lien shall be prior to any lien thereafter recorded and shall be notice to a subsequent purchaser, assignee or encumbrancer of the existence and nature of such lien.

4. Should the person to whom assistance shall have been granted, or his heirs at law, next of kin or personal representatives, reimburse the public welfare district for the amount due by the terms of such lien, the public welfare official shall execute and deliver a satisfaction thereof, upon filing which, the record shall be marked by the county clerk "satisfied and discharged" with the date thereof.

5. Upon the death of the person to whom such assistance shall have been granted, or prior to such time if the department shall

have given its approval in writing, the old age assistance district may enforce such lien in the manner provided by article three of the lien law.

§ 225. **Burial of recipients of old age assistance.** 1. (a) The amount to be reserved from assets to pay the cost of burial of a recipient of old age assistance shall be determined by the public welfare official with the approval of the department.

(b) Where the cost of burial cannot be met from other sources, the necessary amount shall be a prior claim against the net amount received from such assets and shall take precedence over the claim of the old age assistance district for old age assistance granted.

(c) If funds are not available from the assets, the old age assistance district shall pay the cost of burial, subject to later reimbursement in whole or in part from the net amount recovered from the assets.

2. If the recipient of old age assistance has no assets nor insurance or the proceeds of such assets or insurance are not sufficient to pay the cost of burial, and there are no relatives or friends able or willing to become responsible for such expense in whole or in part, the old age assistance district furnishing old age assistance at the time of death of the recipient shall pay the total or partial cost of burial. Such expenditure shall be a charge on the old age assistance district granting assistance, subject to reimbursement by the state for a state charge.

Subdivision 2 as amended by L. 1946, C. 200, eff. April 1, 1946.

§ 226. **Distribution of recoveries.** 1. The net amount recovered from the assets of a recipient of old age assistance shall be used to pay the cost of burial and repayment to the old age assistance district for old age assistance granted.

2. The old age assistance district shall pay to the state the proportionate share of the net amount recovered from the assets of a recipient of old age assistance less any authorized expenditures for the cost of burial, to which the state and the United States is entitled, because of partial payment of the old age assistance granted. The manner and amount of such payment shall be determined under the regulations of the department.

3. If any balance remains it shall be paid to the estate of such recipient or to the persons entitled thereto.

4. The proceeds or moneys due the United States shall be paid or reported in such manner and at such times as the federal social security board may direct.

§ 227. **Application.** 1. Other provisions of this chapter not inconsistent with this title shall be applied in carrying out the provisions of this title.

2. The provisions of any city charter or other local or special act forbidding outdoor relief or which are inconsistent with the provisions of this title shall not apply to the assistance provided by this title, nor impair nor limit the state-wide operation of this title, according to its terms.

TITLE 7

ASSISTANCE TO THE BLIND

Section 283. Declaration of object; definitions.
284. Responsibility.
285. Eligibility for assistance.
286. Character and adequacy of assistance.
287. Quarterly estimates.
288. Federal assistance to the blind.
289. Reimbursement and advances by the state.
290. Provisions governing operation of title upon discontinuance of federal moneys.
291. Duties of commissioners of public welfare in relation to the department.
292. Recovery from estate.
293. Application.

§ 283. **Declaration of object; definitions.** 1. Assistance to blind persons who are in need and who are unable to support themselves in whole or in part is hereby declared to be a special matter of state concern and a necessity in promoting public health and welfare.

To provide such assistance at public expense, a statewide system of assistance to the needy blind is hereby established to operate in a uniform manner with due regard to the varying living conditions and costs of living.

2. When used in this title, assistance shall be construed to include aid, care, support, service, medical or surgical care, nursing, or board in a private institution or boarding house and such other special aid as the condition of blindness may make necessary.

§ 284. **Responsibility.** 1. Subject to partial or entire reimbursement by the state and to supervision by the department city and county public welfare districts shall furnish assistance to the blind to the persons eligible therefor who reside in their territory. Temporary absence, within or without the state, of such persons from such territory shall not affect their eligibility for such assistance.

Subdivision 1 *as amended by L.* 1944, *C.* 401, *eff. March* 31, 1944.

2. The commissioners of public welfare shall be responsible for the administration of assistance to the blind in their respective districts, unless such responsibility is delegated to another public welfare official pursuant to the provisions of title three-a of article three.

Subdivision 2 *as amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

3. Nothing contained in this chapter shall be construed to authorize or require that any part of the amounts expended by a county public welfare district for assistance to the blind shall be charged back to a town or city within such county.

4. Appropriations for assistance to the blind shall be made by the legislative bodies of the public welfare districts.

§ 285. **Eligibility for assistance.** Assistance shall be given under this title to a person who: 1. is totally blind or has impaired vision of not more than twenty/two hundred visual acuity in the better eye and for whom a diagnosis and medical findings show that vision cannot be improved to better than twenty/two hundred; or who has loss of vision due wholly or in part to impairment of field vision or to other factors which affect the usefulness of vision to a like degree. Classification of the eye condition within this provision shall be determined according to standards adopted by the department in consultation with the New York State commission for the blind,

2. is a resident of the state on the date of application,

3. has not sufficient income or other resources to provide a reasonable subsistence compatible with decency and health; and has no legally responsible relatives able and willing to support him,

4. has not declined to accept employment under reasonable conditions or to receive training, medical care or other assistance which might reasonably be expected to improve his condition,

5. is not an inmate of any public home, of any hospital, of any state institution, or of any institution of a correctional character, except in the case of temporary medical or surgical care given in a hospital to a person already receiving assistance to the blind,

6. has not been made a voluntary assignment or transfer of property for the purpose of qualifying for such assistance, and

7. does not solicit alms while in receipt of assistance under this article.

As last amended by L. 1944, *C.* 391, *eff. March* 31, 1944; *subdivision* 2 *as last amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

§ 286. **Character and adequacy of assistance.** 1. It shall be the duty of the public welfare officials to provide adequately for those eligible for assistance to the blind.

2. The amount and nature of the assistance and the manner of providing it shall be determined by the public welfare official with due regard to the conditions existing in each case and in accordance with the regulations of the department.

3. Whenever practicable assistance shall be granted in the form of cash or a check.

4. The assistance shall be provided in the person's own home, or in a suitable family home, or by payment of board in a suitable boarding house, or in a private nursing home, or in a private institution approved by the department. Temporary care in a hospital may be provided with the approval of the department. Under regulations to be established by the department, assistance may be granted to eligible applicants who are receiving training or education or who are waiting for employment.

Subdivision 4 *as amended by L.* 1944, *C.* 400, *eff. March* 31, 1944.

5. Receipts of state reader's fees shall not preclude the granting of assistance under this title.

§ 287. **Quarterly estimates.** Each public welfare district shall submit to the department quarterly estimates of its anticipated expenditures for aid to the blind and administrative expenses not less than thirty days before the first day of each of the quarters beginning on the first day of the months of July, October, January and April, in such form and together with such other information as the department may require.

§ 288. **Federal assistance to the blind.** 1. The department shall submit the plan for assistance to the blind provided by this title to the social security board established by the federal social security act for approval pursuant to the provisions of such federal act. The department shall act for the state in any negotiations relative to the submission and approval of such plan and make any arrangement which may be necessary to obtain and retain such approval and to secure for the state the benefits of the provisions of such federal act relating to assistance to the blind. The board shall make such rules not inconsistent with law as may be necessary to make such plan conform to the provisions of such federal act and any rules and regulations as adopted pursuant thereto. The department shall make reports to the social security board created by such federal act in the form and nature required by such board and in all respects comply with any request or direction of such board which may be necessary to assure the correctness and verification of such reports.

2. The department of taxation and finance shall accept and receive any and all grants of money awarded to the state for federal assistance to the blind pursuant to such social security act. All moneys so received shall be deposited by the department of taxation and finance in a special fund or funds and shall be used by the state exclusively for the assistance to the blind and the administration thereof under the provisions of this title. Such money shall be paid from such fund or funds on audit and warrant of the comptroller upon vouchers of or certification by the commissioner.

Subdivision 2 *as amended by L.* 1941, *C.* 82, *eff. Mar.* 1, 1941.

3. When the moneys allotted to the state by the social security board for any quarter shall have been received by the department of taxation and finance, the department shall, as soon as possible, certify to the comptroller the amount to which each public welfare district is entitled for such quarter and such amount shall be paid out of the state treasury after audit by the comptroller to the respective public welfare districts.

4. So long as the state shall receive grants in aid for assistance to the blind from the United States pursuant to the provisions of the federal social security act, the state shall pay to the United States such part of the net amount collected from the estate of a recipient of assistance to the blind as partial or total repayment for assistance to the blind as may be required by the social security board pursuant to the social security act.

§ 289. **Reimbursement and advances by the state.** 1. At the end of each quarter each public welfare district shall submit to the department in such form as the department may require, a verified accounting of its financial operations during such quarter together with a claim for reimbursement of a part of its expenditures as herein provided.

2. The department shall thereupon certify to the comptroller for payment by the state to the credit of each public welfare district as partial reimbursement for its expenditures under this title during such quarter such amount, as shall be equal to the sum of

(a) the difference between eighty per centum of its total approved expenditures for assistance granted to local charges and the amount of federal funds properly received on account of such assistance, and

(b) the difference between its total approved expenditures for assistance granted to state charges and the amount of federal funds properly received on account of such assistance, and

(c) the difference between eighty per centum of its total approved expenditures for administrative expenses and the amount of federal funds received on account thereof.

3. For the purpose of reimbursement by the state, except as otherwise specifically provided for herein, administrative expenses shall include only the salary of any person employed by the public welfare official for the purpose of administering assistance to the blind under this title; provided, however that the appointment of any such person and the salary and compensation to be paid for the service to be rendered have been approved by the department and that the person so employed has performed his duties in a manner satisfactory to the department and in accordance with its regulations. If any person shall be employed only for part time in the administration of assistance to the blind, only a proportionate part of the salary paid to such person shall be included as an administrative expense. Administrative expenses shall also include any other expenses which the department shall determine to be necessary and approve provided federal aid is payable therefor.

As amended by L. 1941, *C.* 82, *eff. March* 1, 1941.

4. The department is authorized in its discretion to make advances to the several public welfare districts against the state reimbursement provided for in this section, and the amounts of such advances shall be paid out of the state treasury from moneys appropriated or made available for the payment of such state reimbursement to the respective public welfare districts after audit by the state comptroller. Advance payments to the several public welfare districts from funds received by the state from the United States, and reimbursements and advances from state funds shall be approved by the department only for

(a) assistance to the blind granted under the provisions of this title and in accordance with the rules of the board and regulations of the department, and

(b) for administrative costs in public welfare districts in which methods of administration are maintained in accordance with such law, rules and regulations.

Subdivisions 2 and 4 as amended by L. 1946, C. 200, eff. April 1, 1946; section heading also amended by same law.

§ 290. **Provisions governing operation of title upon discontinuance of federal moneys.** Upon the discontinuance of federal moneys for the purposes of this title, the provisions of this title shall, nevertheless, continue in full force and effect except that the cost of assistance provided for by this title shall be borne by the public welfare districts subject to reimbursement by the state to the extent of

(a) eighty per centum thereof for local charges, and

(b) the entire cost thereof for state charges, and

(c) eighty per centum of approved administrative expense for assistance to the blind.

As amended by L. 1946, C. 200, eff. April 1, 1946.

§ 291. **Duties of commissioners of public welfare in relation to the department.** It shall be the duty of the commissioner of public welfare to report to the department the name, address and any other facts in his possession in regard to any wholly or partially blind person coming to his attention in his public welfare district. Such reports shall be carefully and systematically made to assist the department in maintaining a complete register of the wholly or partially blind persons in the state.

§ 292. **Recovery from estate.** On the death of any blind person receiving assistance under this title the total amount of such assistance paid shall be allowed as a claim against the estate of such person after the cost of burial of the recipient, which cost shall be determined by the public welfare official with the approval of the department, and shall be paid or set aside for this purpose. No claim shall be enforced against any real estate of a recipient while it is occupied by the surviving spouse, or a dependent.

§ 293. **Application.** 1. All provisions of this chapter, including those of title six except sections two hundred nineteen and two hundred twenty, not inconsistent with this title shall be applicable to assistance to the blind and its administration by the public welfare districts but under section two hundred twenty-three no blind person who is receiving assistance or shall have received assistance during a period of higher education, training, or while awaiting employment, shall transfer any title of such property as he may be possessed of or shall make repayments of such assistance as has been granted him during temporary periods under these provisions.

2. The provisions of any city charter or other local or special act forbidding outdoor relief or which are inconsistent with the provisions of this title shall not apply to the assistance provided by this title nor impair nor limit the statewide operation of this title according to its terms.

3. The department shall have the same powers and duties in relation to assistance to the blind as for old age assistance.

TITLE 8

AID TO DEPENDENT CHILDREN

Section 343. Declaration of object.
344. Responsibility.
348. Application for aid to dependent children.
349. Eligibility.
350. Character and adequacy.
351. Central index or social service exchange.
353. Grant of aid; review by department.
354. Investigation of complaints.
355. Rules, regulations and forms.
356. Moneys to be provided by counties and cities; how expended.
357. Quarterly estimates.
358. Federal aid to dependent children.
359. Reimbursement and advances by the state.
361. Provisions governing operation of title upon discontinuance of federal moneys.
362. Application.

Sections 345, 346, 347, 352 *and* 360 *repealed by L.* 1946, *C.* 200, *eff. April* 1, 1946.

§ 343. **Declaration of object.** It is hereby declared a state policy that aid to dependent children be provided under the provisions of this title in every county of the state.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 344. **Responsibility.** Each public welfare district shall be responsible for aid to dependent children, under this title, furnished to persons eligible therefor who reside in its territory. Temporary absence, within or without the state, of such persons from such territory, shall not affect their eligibility for such aid.

Added by L. 1946, *C.* 200, *eff. April* 1, 1946; *former section* 344 *repealed by same law.*

Sections 345, 346, 347 *repealed by L.* 1946, *C.* 200, *eff. April* 1, 1946.

§ 348. **Application for aid to dependent children.** Application for aid to dependent children may be made directly to the commissioner of public welfare or to any other officer of a county, city or town authorized to receive applications for assistance and care.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 349. **Eligibility.** A. Aid to dependent children shall be given to a parent or other relative as herein specified for the benefit of a child or children under sixteen years of age or of a minor or minors between sixteen and eighteen years of age if in the judgment of the administrative agency

1. the granting of an allowance will be in the interest of such child or minor, and

2. the parent or other relative is a fit person to bring up such child or minor so that his physical, mental and moral well-being will be safeguarded, and

3. aid is necessary to enable such parent or other relative to do so, and

4. such child or minor is a resident of the state on the date of application for aid and

5. such minor between sixteen and eighteen years of age is regularly attending school in accordance with the regulations of the department.

B. 1. An allowance may be granted for the aid of such child or minor who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt.

2. No allowance shall be granted, when, in the judgment of the administrative agency, a parent has absented himself or herself from the home for the purpose of obtaining an allowance for his or her family.

C. In making such allowances consideration shall be given to the ability of the relative making application and of any other relatives to support and care for or to contribute to the support and care of such child or minor. In making all such allowances it shall be made certain that the religious faith of the child or minor shall be preserved and protected.

Added by L. 1945, *C.* 329, *eff. July* 1, 1945; *former section* 349 *repealed by same law; subdivisions A*4 *as amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

§ 350. **Character and adequacy.** 1. (a) Allowances shall be adequate to enable the father, mother or relative to bring up the child or minor properly, having regard for the physical, mental and moral well-being of such child or minor. When the allowance is granted to a parent it may provide for his or her maintenance and for the maintenance of the other parent if he or she is in the home and is physically or mentally incapacitated. When the allowance is granted to a relative it may provide for the maintenance of one or both parents if in the home and physically or mentally incapacitated and also for the maintenance of the relative if he or she is without sufficient means of support. Temporary care in a hospital may be provided for a child, minor, parent or relative whose maintenance is included in the allowance.

2. Allowances (a) shall not be granted for a period of longer than that prescribed by the rules of the board and regulations of the department, subject to renewal from time to time.

(b) may be increased, decreased or revoked at any time.

(c) except in the case of a minor reaching the age of eighteen years or of a child reaching the age of sixteen years who is not attending school, may be continued for a period of not more than one month after a child or minor becomes ineligible to be granted allowance under the provisions of this title.

3. Adequate supervision of all families receiving such aid shall be provided and supervisory visits shall be made to each family as frequently as the rules of the board and regulations of the department and the circumstances of the case may require.

4. The public welfare official of the public welfare district shall in cooperation with other public officers, private relief societies and individuals seek to secure for persons to whom allowances are granted as provided in this title or who apply for such allowances additional assistance whenever the public welfare official is unable adequately to provide for their needs and the needs of their families.

Subdivision 1 *as last amended by L.* 1945, *C.* 329, *eff. July* 1, 1945.

Subdivisions 2 *and* 3 *as last amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

Subdivision 4 *as amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

§ 351. **Central index or social service exchange.** If any applicant for aid to dependent children resides in a place where there is a central index or social service exchange, the public welfare official shall register the case with such index or exchange for the purpose of preventing duplication and of coordinating the work of public and private agencies.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

Section 352 *repealed by L.* 1946, *C.* 200, *eff. April* 1, 1946.

§ 353. **Grant of aid; review by department.** 1. Upon the completion of an investigation the proper public welfare official shall

(a) decide whether the applicant is eligible for and should receive aid to dependent children, the amount, nature and manner of paying or providing it and the date on which it shall begin,

(b) notify the applicant of his decision in writing.

2. Where an application for aid to a dependent child or minor has been denied or an allowance has been decreased or revoked or the grant is deemed inadequate by the applicant, the latter may appeal to the department which, upon receipt of the appeal shall review the case and shall give the applicant making the appeal an opportunity for a fair hearing thereon. The department may also, on its own motion, review any decision made, or any case in which a decision has not been made, by the proper public welfare official. The department may make such additional investigation as it may deem necessary and shall make such decision as to the granting of aid or the amount and nature of aid to be granted as in its opinion is justified and in conformity with the provisions of this title. All such decisions of the department shall be binding upon the public welfare official involved and shall be complied with by him.

As last amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 354. **Investigation of complaints.** Any person who has knowledge that aid to dependent children is being improperly granted or administered may file a verified complaint in writing with the department setting forth the particulars of such violation and the department shall have power after proper investigation to revoke allowances or to make such order as it may deem just and equitable and such order shall be complied with by the public welfare official.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 355. **Rules, regulations and forms.** The department shall
1. supervise the administration of aid to dependent children,
2. prescribe the form of and print and supply to the public welfare officials blanks for applications, reports, affidavits and such other forms as it may deem advisable,
3. make regulations necessary for the carrying out of the provisions of this title to the end that allowances may be granted and the provisions of this title administered uniformly throughout the state.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 356. **Moneys to be provided by counties and cities; how expended.** 1. The legislative body of each public welfare district shall annually appropriate to the commissioner of public welfare such sum as may be needed for aid to dependent children, and for the administration thereof. When the assistance for which such public welfare district is responsible is administered, pursuant to title three-a of article three, by a public welfare official who is not an officer of the public welfare district for which the appropriation is made, all or part of the sum appropriated shall be made available to such other officer and to the municipality of which he is an officer, in the manner, and at such times, as is required by other provisions of this chapter. The legislative body of the public welfare district shall include such sums in the taxes to be levied for such public welfare district.
2. Allowances granted for aid to dependent children shall be paid out of moneys appropriated or otherwise made available to the public welfare district.
3. Expenditures for allowances and administrative expenses under this title shall be a charge upon the county or city public welfare district.

Added by L. 1946, *C.* 200, *eff. April* 1, 1946; *former section* 356 *repealed by same law.*

§ 357. **Quarterly estimates.** Each public welfare district shall submit to the department quarterly estimates of its anticipated expenditures for aid to dependent children and administrative expenses not less than thirty days before the first day of each of the quarters beginning on the first day of the months of July, October, January and April, in such form and together with such other information as the department may require.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 358. **Federal aid to dependent children.** 1. The department shall submit the plan for aid to dependent children to the social security board established by the federal social security act for approval pursuant to the provisions of such federal act. The department shall act for the state in any negotiations relative to the submission and approval of such plans and make any arrangement which may be necessary to obtain and retain such approval and to secure for the state the benefits of the provisions of such federal act relating to aid to dependent children. The board

shall make such rules not inconsistent with law as may be necessary to make such plan conform to the provisions of such federal act and any rules and regulations as adopted pursuant thereto. The department shall make reports to the social security board created by such federal act in the form and nature required by such board and in all respects comply with any request or direction of such board which may be necessary to assure the correctness and verification of such reports.

2. The department of taxation and finance shall accept and receive any and all grants of money awarded to the state for aid to dependent children pursuant to such social security act. All moneys so received shall be deposited by the department of taxation and finance in a special fund or funds and shall be used by the state exclusively for aid to dependent children and the administration thereof. Such money shall be paid from such fund or funds on audit and warrant of the comptroller upon vouchers of or certification by the commissioner.

3. When the moneys allotted to the state by the social security board for any quarter shall have been received by the department of taxation and finance, the department shall, as soon as possible, certify to the comptroller the amount to which each public welfare district is entitled for such quarter and such amount shall be paid out of the state treasury after audit by the comptroller to the proper fiscal officer of the county or city to the credit of the public welfare district and to be immediately available for its use.

Subdivision 3 *as amended by L.* 1946, *C.* 200, *eff. April* 1, 1946.

§ 359. **Reimbursement and advances by the state.** 1. At the end of each quarter each public welfare district shall submit to the department in such form as the department may require, a verified accounting of its financial operations during such quarter together with a claim for reimbursement of a part of its expenditures as hereinafter provided.

2. The department shall thereupon certify to the comptroller for payment by the state to the credit of each public welfare district as partial reimbursement for its expenditures under this title during such quarter such amount as shall be equal to the sum of

(a) the difference between eighty per centum of its total approved expenditure for aid to dependent children granted to local charges and the amount of federal funds received or to be received on account of such aid, and

(b) the difference between its total approved expenditure for aid to dependent children granted to state charges and the amount of federal funds properly received on account of such aid, and

(c) the difference between eighty per centum of its approved administrative expenses for aid to dependent children and the amount of federal funds received on account thereof.

3. For the purpose of reimbursement by the state, except as otherwise specifically provided for herein, administrative expenses shall include only the salary of any person employed by or on

behalf of a public welfare district for the purpose of administering aid to dependent children; provided, however, that the appointment of any such person and the salary and compensation to be paid for the service to be rendered have been approved by the department and that the person so employed has performed his duties in a manner satisfactory to the department and in accordance with its regulations. If any person shall be employed only for part time in the administration of aid to dependent children, only a proportionate part of the salary paid to such person shall be included as an administrative expense. Administrative expenses shall also include any other expenses which the department shall determine to be necessary and approve provided federal aid is payable therefor.

4. The department is authorized in its discretion to make advances to the several public welfare districts against the state reimbursment provided for in this section, and the amounts of such advances shall be paid out of the state treasury from moneys appropriated or made available for the payment of such state reimbursement to the respective public welfare districts after audit by the state comptroller. Advance payments to the several public welfare districts from funds received by the state from the United States and advances and reimbursements from state funds shall be approved by the department only for

(a) aid to dependent children granted under the provisions of this title and in accordance with the rules of the board and regulations of the department, and

(b) administrative costs in public welfare districts in which methods of administration are maintained in accordance with such law, rules and regulations.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

Section 360 *repealed by L.* 1946, *C.* 200, *eff. April* 1, 1946.

§ 361. **Provisions governing operation of title upon discontinuance of federal moneys.** Upon the discontinuance of federal moneys for the purpose of this title the provisions of this title shall nevertheless continue in full force and effect except that the provisions of subdivision two of section three hundred fifty-nine shall cease to be effective and the state shall thereafter reimburse the public welfare district in accordance with the rules of the board and regulations of the department for

(a) eighty per centum of the cost of aid to dependent children so granted to local charges, and

(b) the entire cost of aid to dependent children so granted to state charges, and

(c) eighty per centum of approved administrative expenses for aid to dependent children.

As amended by L. 1946, *C.* 200, *eff. April* 1, 1946.

§ 362. **Application.** 1. The provisions of this title in relation to aid to dependent children shall apply to the commissioner of public welfare in the county of Westchester as established by chapter two hundred and forty-two of the laws of nineteen hundred sixteen as amended.

As amended by L. 1942, *C.* 667, *eff. Nov.* 1, 1942; *subdivisions* 2 *and* 3 *repealed by L.* 1946, *C.* 200, *eff. April* 1, 1946.

TITLE 9

CIVILIAN WAR ASSISTANCE

Section 365. Civilian war assistance; continuation of; state reimbursement for.

New title as added by L. 1946, *C.* 735, *eff. April* 14, 1946.

§ 365. **Civilian war assistance; continuation of; state reimbursement for.** 1. In the event the federal government shall make provision for the continuance of a civilian war assistance program and shall make funds available to the state for the reimbursement of expenditures made by counties and cities for civilian war assistance, the public welfare official of each county and city shall furnish, in the first instance, out of funds made available by the federal government or out of funds made available for home relief or otherwise, civilian war assistance to the persons found in his territory who are eligible therefor.

2. (a) Expenditures made by counties and cities for civilian war assistance, if approved by the department, shall be reimbursed by the state from funds provided by the federal government for that purpose.

(b) From such funds so furnished to the state, the comptroller, upon audit and warrant, shall pay to counties and cities such reimbursements on claims as are certified by the department. Payments shall be made by the comptroller to the fiscal officers of the counties and cities entitled thereto.

3. This section shall be effective until July first, nineteen hundred forty-seven.

Added by L. 1946, *C.* 735, *eff. April* 14, 1946.

ARTICLE 6

CHILDREN

Title 1. Care and protection of children (§§ 371–391).
2. Powers and duties of public welfare officials (§§ 395–403).
3. Child welfare services (§§ 406–408).

TITLE 1

CARE AND PROTECTION OF CHILDREN

Section 371. Definitions.
372. Records and reports.
373. Religious faith.
374. Authority to place out or board out children.
375. Requirement of certificate or license to board children.
376. Certificate to board children.
377. License to board children.
378. Form, duration and limitation of certificates and licenses.
379. Revocation of certificates and licenses.
380. Boarding and free homes; records.
381. Maternity homes; records and reports.
382. Responsibility for children without state residence; license and board.
383. Care and custody of children.
384. Guardianship of destitute or dependent children.
385. Orders; prohibiting placing out or boarding out; removal.
386. Visitation; inspection and supervision.
387. Rules.
388. Special charters.
389. Penalty for violations.
390. Day nurseries and day care for children; permits required.
391. Violation; injunction.

§ 371. **Definitions.** Unless the context or the subject matter manifestly requires a different interpretation, when used in this article or in any special act relating to children,

1. child shall mean a person actually or apparently under the age of sixteen years;

2. abandoned child shall mean a child who is abandoned or deserted in any place by both parents, or by the parent having its custody, or by any other person or persons lawfully charged with its care or custody, and left

(a) in destitute circumstances, or

(b) without proper food, shelter or clothing, or

(c) without being visited or having payments made toward his support, for a period of at least one year, by his parent, guardian or other lawful custodian without good reason;

3. delinquent child shall mean a child

(a) who violates any law or any municipal ordinance, or

(b) who commits any act which, if committed by an adult would be a crime not punishable by death or life imprisonment, or

(c) who is incorrigible or ungovernable or habitually disobedient and beyond the control of its parent, guardian, custodian or other lawful authority, or

(d) who is habitually truant, or

(e) who, without just cause and without the consent of his parent, guardian or other custodian, repeatedly deserts his home or place of abode, or

(f) who engages in any occupation which is in violation of law, or

(g) who associates with immoral or vicious persons, or

(h) who frequents any place the existence of which is in violation of law, or

(i) who habitually uses obscene or profane language, or who begs or solicits alms or money in public places under any pretense, or

(j) who so deports himself as to wilfully injure or endanger the morals or health of himself or others;

4. destitute child shall mean a child who, through no neglect on the part of its parent, guardian or custodian, is

(a) destitute or homeless, or

(b) in a state of want or suffering due to lack of sufficient food, clothing, or shelter, or medical or surgical care;

5. neglected child shall mean a child

(a) who is without proper guardianship, or

(b) whose parent, guardian, or person with whom the child lives, by reason of cruelty, mental incapacity, immorality or depravity is unfit to properly care for such child, or

(c) who is under unlawful or improper supervision, care, custody or restraint by any person, corporation, agency, association, institution, society or other organization, or

(d) who wanders about without lawful occupation or restraint, or, who is unlawfully kept out of school, or

(e) whose parent, guardian or custodian neglects or refuses, when able to do so, to provide necessary medical, surgical, institutional or hospital care for such child, or

(f) who is found in any place the existence of which is in violation of law, or

(g) who is in such condition of want or suffering or is under such improper guardianship or control as to injure or endanger the morals or health of himself or others;

6. juvenile delinquency is the commission by a child under sixteen years of age of any of the offenses enumerated in the foregoing definition of a delinquent child;

7. dependent child shall mean a child who is in the custody of, or wholly or partly maintained by an authorized agency or an institution, society or other organization of charitable, eleemosynary, correctional, or reformatory character;

8. defective child shall mean a child who is insane, epileptic or feeble-minded;

9. physically handicapped child shall mean a child who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury or disease, is or may be expected to be totally or partially incapacitated for education or for remunerative occupation, but shall not include the deaf and the blind;

10. authorized agency shall mean

(a) any agency, association, corporation, institution, society or other organization which is incorporated or organized under the laws of this state with corporate power or empowered by law to care for, to place out or to board out children, which actually has its place of business or plant in this state and which is approved, visited, inspected and supervised by the board or which shall submit and consent to the approval, visitation, inspection and supervision of the board as to any and all acts in relation to the welfare of children performed or to be performed under this title,

(b) any court, public board, commission, institution or officer authorized by law to place out or to board out children;

11. custody shall mean custody in pursuance of or in compliance with expressed provisions of law;

12. place out shall mean to provide for the care of a child in a free home, in a family other than that of a relative within the second degree;

13. place or commit shall include replace and recommit;

14. board out shall mean to arrange for the care of a child in a family other than that of a relative within the second degree of the parents of such child where payment is made or agreed to be made for care and maintenance;

15. home shall include a family boarding home or a family free home.

§ 372. **Records and reports.** 1. Every court, and every public board, commission, institution, or officer having powers or charged with duties in relation to abandoned, delinquent, destitute, neglected or dependent children who shall receive, accept or commit any child shall provide and keep a record showing: (a) the full and true name of the child,

(b) his sex and date and place of birth, if ascertainable, or his apparent age,

(c) the full and true names and places of birth of his parents, and their actual residence if living, or their latest known residence, if deceased or whereabouts unknown and the name and actual residence of any other person having custody of the child, as nearly as the same can reasonably be ascertained,

(d) the religious faith of the parents and of the child,

(e) the name and address of any person, agency, institution or other organization to which the child is committed, placed out, boarded out, or otherwise given into care, custody or control,

(f) the religious faith and occupation of the head or heads of the family with whom the child is placed out or boarded out and their relationship, if any, to the child,

(g) if any such child shall die, the date and cause of death and place of burial,

(h) any further disposition or change in care, custody or control of the child,

(i) the date or dates of reception and of any subsequent disposition or change in care, custody or control and, in case of adoption,

the name and title of the judge or surrogate making the order of adoption, the date of such order and the date and place of filing of such order,

(j) the reasons for any act performed in reference to such child herein required to be recorded, together with such further information as the board may require; and shall make to the department upon blanks provided by the department reports of each such child placed out, or boarded out containing the information herein required to be kept; and shall furnish such information to any authorized agency to which any such child shall be committed or otherwise given into custody.

2. Every charitable, eleemosynary, reformatory, or correctional institution, public or private, incorporated or unincorporated, and every agency, association, corporation, institution, society or other organization which shall receive, accept, or admit any child whether or not in receipt of payments from public funds for the support of such child shall provide and keep a record as described in subdivision one of this section, and also showing how, by whom and for what reason such child shall have been given into its custody or committed to it and shall make reports of each such child to the department upon blanks provided by the department giving all the information required by subdivision one of this section to be recorded together with such further information as the board may require. Except as to children placed out, boarded out or surrendered or for whom guardianship is accepted or adoption provided, the requirement of this section shall not apply to hospitals, day nurseries, eleemosynary day schools, and summer and vacation homes and camps, or to institutions for the care of convalescent, anaemic, undernourished or cardiac children, preventoria, working boys' homes, emergency shelters and schools for the blind and for the deaf, but all such hospitals, homes and institutions shall keep such records and make to the department such reports as the board may require.

3. Upon application by a parent, relative or legal guardian of such child or by an authorized agency, after due notice to the institution or authorized agency affected and hearing had thereon, the supreme court may by order direct the officers of such institution or authorized agency to furnish to such parent, relative, legal guardian or authorized agency such extracts from the record relating to such child as the court may deem proper. The department through its authorized agents and employees may examine at all reasonable times the records required by this section to be kept.

4. All such records relating to such children shall be open to the inspection of the board at any reasonable time, and the information called for under this section and such other data as may be required by the board shall be reported to the department, in accordance with the rules of the board. Such records kept by the department shall be deemed confidential and the board shall safeguard them from coming to the knowledge of and from inspection or examination by any person other than one authorized, by the

commissioner or by a justice of the supreme court after a notice to all interested persons and a hearing, to receive such knowledge or to make such inspection or examination. No person shall divulge the information thus obtained without authorization so to do by such commissioner or by such justice.

5. The requirements of this section to keep records and make reports shall not apply to the natural parent or parents, or relatives within the second degree of such parents. The reception of a child, or the power to receive the same, shall not make this section applicable to a humane society, or to a society for the prevention of cruelty to children.

6. The provisions of this section as to records and reports to the department shall apply also to the placing out, adoption or boarding out of a child and the acceptance of guardianship or of surrender of a child.

§ 373. **Religious faith.** 1. Whenever a child is committed to any agency, association, corporation, institution or society, other than an institution supported and controlled by the state or a subdivision thereof, such commitment shall be made, when practicable, to an authorized agency under the control of persons of the same religious faith as that of the child.

2. Whenever any child is surrendered, released, placed out, or boarded out, in a family, a home or an institution, or to an authorized agency, or in the custody of any person other than that of a relative within the second degree, such surrender, release, placement or boarding out shall when practicable, be to, with or in the custody of a person or persons of the same religious faith as that of the child or to an authorized agency under the control of persons of the same religious faith as that of the child.

3. In appointing guardians of children, and in granting orders of adoption of children, the court shall, when practicable, appoint as such guardians, and give custody through adoption, only to a person or persons of the same religious faith as that of the child.

4. The provisions of subdivision one, two and three of this section shall be so interpreted as to assure that in the care, protection, adoption, guardianship, discipline and control of any child, its religious faith shall be preserved and protected.

5. Whenever a child is placed out or boarded out in the custody, or under the supervision or control, of a person or of persons of a religious faith different from that of the child, or if a guardian of a child is appointed whose religious faith is different from that of the child, or if letters of adoption of a child are granted to a person or persons whose religious faith is different from that of the child or if a child is committed to an agency, association, corporation, society or institution, which is under the control of persons of a religious faith different from that of the child, the court, public board, commission or official shall state or recite the facts which impelled such disposition to be made contrary to the religious faith of the child or to any person whose religious faith is different from that of the child and such statement shall be a part of the minutes of the proceeding, and subject to inspection by the

board or an authorized agency. This subdivision shall not apply to institutions supported and controlled by the state or a subdivision thereof.

6. The provisions of this section in relation to the protection of the religious faith of children shall also apply to minors between sixteen and eighteen years of age.

§ 374. **Authority to place out or board out children.** 1. An authorized agency is hereby empowered and permitted to place out and board out children.

2. No person, agency, association, corporation, institution, society or other organization except an authorized agency shall place out or board out any child, but the provisions of this section shall not restrict or limit the right of a parent, legal guardian or relative within the second degree to place out or board out a child.

3. No court, public board, commission or official shall place out or board out a child in a family not residing within this state.

4. (a) No hospital or lying-in asylum whether incorporated or unincorporated where women or girls may be received, cared for or treated during pregnancy or during or after delivery except as hereinafter provided and no person licensed to carry on like work under the provisions of section four hundred and eighty-two of the penal law shall be an authorized agency for placing out or boarding out children or place out any child in a foster home whether for adoption or otherwise either directly or indirectly or as agent or representative of the mother or parents of such child.

(b) Every such hospital and licensed person shall forthwith report to the county or city officer or board, charged by law with the care of destitute children away from their homes where such hospital is located or where such child is cared for by such licensed person, any child abandoned or left in the care or custody of such hospital or licensed person provided, however, that no such report except as provided in section three hundred seventy-two shall be required to be made by a hospital which is also an authorized agency.

(c) Such officer or board shall receive and care for such child as a destitute or abandoned child and may bring the case of such child before the children's court of the county or city for adjudication.

(d) The expense of caring for such child as a public charge shall be paid as provided by this chapter.

5. Nothing contained in this section shall deprive any hospital of any right or power conferred upon it by its charter or act of incorporation or specified in its certificate of incorporation.

§ 375. **Requirement of certificate or license to board children.** Except for relatives within the second degree of the parents of a child or children, legally appointed guardians, schools and academies meeting the requirements of the education law as to compulsory education, and persons with whom a child or children are placed out, no person shall receive, board or keep any child under the age of sixteen years unless certified or licensed to do so as provided in this title.

§ 376. **Certificate to board children.** 1. An authorized agency which shall board out any child shall issue to the person receiving such child for board a certificate to receive, board or keep a child or children.

2. The agency issuing or renewing any such certificate shall forthwith transmit a copy or report thereof to the department.

3. No person shall be certified by more than one authorized agency but any person so certified may receive for care at board or otherwise a child or children from other sources upon the written consent and approval of the certifying agency as to each such child.

§ 377. **License to board children.** 1. Application for a license to receive, board or keep any child shall be made in writing to the commissioner in form and manner prescribed by the board.

2. Before any such license shall be issued an authorized agent or employee of the department shall visit and inspect the premises for which such license is requested, make such further inquiry and investigation as the department may direct and file with the department a written report.

3. If it appears from such inquiry and report that the applicant maintains a home suitable for the care of children in accordance with rules of the board and regulations of the department, the commissioner shall cause such license to be issued in such manner as the board may provide.

4. (a) In any city wholly including one or more counties the commissioner may in his discretion accept in lieu of licensing under this title such licenses to receive, board or keep children as may be issued under local law, the charter of such city, or municipal ordinance.

(b) Such licenses shall be in the form described in section three hundred seventy-eight.

(c) The municipal officer or department issuing such licenses shall within thirty days report to the commissioner the issuing, revocation or renewal of any such license.

§ 378. **Form, duration and limitation of certificates and licenses.** 1. Certificates or licenses to receive, board or keep any child shall be in form prescribed and provided by the department to the effect that such person is regarded by the authorized agency or department as the case may be, as maintaining a home suitable for the care of children and specifying the name and address and religious faith of the person to whom issued, the number of children for whom such person is certified or licensed to care and such other information as the department may require.

2. Such certificates and licenses shall be valid for not more than one year after date of issue but may be renewed or extended subject to rules established by the board.

3. No such license or certificate shall permit the reception for board of more than six children and if there are children not received for board living in the home of the person to whom such license or certificate is issued, whether children of such person or

otherwise, the sum of the number of such children and of the number of children permitted to be received for board by such license or certificate shall not exceed six, excepting, however, that such license or certificate may permit the reception for board of more than six brothers and/or sisters of the same family.

4. The board shall establish and may alter or amend rules governing the issuing and revocation of such licenses and certificates and prescribing standards, records, accommodations and equipment for the care of children received under such licenses and certificates.

§ 379. **Revocation of certificates and licenses.** 1. A certificate to receive, board or keep any child may be revoked for cause by the authorized agency by which issued and any such certificate or license may be revoked for cause by the commissioner.

2. An agency revoking any such certificate shall at once notify the department of such revocation.

§ 380. **Boarding and free homes; records.** Every person who receives, boards or keeps a child or children under a license or certificate shall keep a record in a register to be provided by the department showing the name, date of birth and religious faith of each child received, the names and addresses of his parents or guardian or of the authorized agency from whom received and of the person by whom placed and by whom removed, the dates of reception and removal and such other information as may be required by rules established by the board.

§ 381. **Maternity homes; records and reports.** Every hospital or lying-in asylum whether incorporated or unincorporated where women or girls may be received, cared for or treated during pregnancy or during or after delivery and every person licensed to carry on like work under the provisions of section four hundred and eighty-two of the penal law shall keep a record showing the full and true name and address including street and number, if any, of every such woman or girl and of each child of such woman or girl received, admitted or born on the premises, the full and true names and addresses and the religious faith of the parents of every such child, the dates of reception, admission or birth and of discharge or departure of each such woman, girl or child, the full and true names and addresses of the person or persons by whom any such child is removed or taken away, the amount paid for the care of any such woman, girl or child and the full and true names and addresses of the person or persons making such payment or payments; and shall keep such further record as may be required by rules of the department. The department may, through its authorized agents and employees, at all reasonable times, inspect and examine such records and may require from such licensed person or from such hospital and its directors, officers, trustees, employees, manager, superintendent, owner or other person responsible for its operation, all information in their possession with reference to any such child not taken away or removed from such hospital by his parents or parent.

§ 382. **Responsibility for children without state residence; license and board.** 1. Any person, institution, corporation or agency which shall bring, or cause to be brought, into the state of New York any child not having a state residence, or which shall receive or accept any child from outside of the state of New York, not having state residence, shall be responsible for the care and maintenance of such child whether placed out, boarded out or otherwise cared for unless adopted by foster parents. Such responsibility shall continue during the minority of such child and thereafter until he is self-supporting.

2. It shall be unlawful for any person, agency, association, corporation, society, institution or other organization, except an authorized agency, to bring, send or cause to be brought or sent into the state of New York any child for the purpose of placing or boarding such child or procuring the placing of such child, by adoption, guardianship, or otherwise, in a family, a home or institution, except with an authorized agency, in this state, without first obtaining a license from the board.

3. Application for a license shall be submitted on a form approved and provided by such board and be accompanied by proof that the applicant holds a license, or is approved by the board or similar body in the state where the applicant resides, or where its chief office is located, or where it has its place of business.

4. Before bringing, sending, or causing to be brought or sent into this state any child, the person, agency, association, corporation, society, institution or other organization, duly licensed as provided in this section must furnish to the board a blanket indemnity bond of a reputable surety company in favor of the state of New York in the penal sum of not less than one thousand dollars. Such bond must be approved as to form and sufficiency by the board and conditioned as follows: That such licensee (a) will report to the board immediately the name of each such child, its age, the name of the state, and city, town, borough or village, or the name of the country from which such child came, the religious faith of the parents of the child, the full name and last residence of its parent or parents, the name of the custodian from whom it is taken, and the name and residence of the person or authorized agency with whom it is placed or boarded, released or surrendered, or to whom adoption or guardianship is granted, and the death of such child or any reboarding, replacement or other disposition;

(b) will remove from the state within thirty days after written notice is given any such child becoming a public charge during his minority;

(c) will remove from the state immediately upon its release any such child who within three years from the time of its arrival within the state is committed to an institution or prison as a result of conviction for juvenile delinquency or crime;

(d) will place or cause to be placed or board or cause to be boarded such child under agreement which will secure to such child a proper home, and will make the person so receiving such child responsible for its proper care, education and training;

(e) will comply with the provisions of section three hundred seventy-three;

(f) will supervise the care and training of such child and cause it to be visited at least annually by a responsible agent of the licensee; and

(g) will make to the board such reports as the board from time to time may require.

5. In the event of the failure of such licensee to comply with the second and third conditions of the bond hereinbefore mentioned, and to remove, after thirty days' notice so to do, a child becoming a public charge, such portion of the bond shall be forfeited to the state or the county or municipality thereof as shall equal the sum which shall have been expended by the state or such county or municipality thereof for the care or maintenance or in the prosecution of such child or for its return to the licensee.

Subdivision 1 as amended by L. 1946, C. 200, eff. April 1, 1946; section heading amended by same law.

§ 383. **Care and custody of children.** 1. The parent of a child remanded or committed to an authorized agency shall not be entitled to the custody thereof, except upon consent of the court, public board, commission, or official responsible for the commitment of such child, or in pursuance of an order of a court or judicial officer of competent jurisdiction, determining that the interest of such child will be promoted thereby and that such parent is fit, competent and able to duly maintain, support and educate such child. The name of such child shall not be changed while in the custody of an authorized agency.

2. The custody of a child placed out or boarded out and not legally adopted or for whom legal guardianship has not been granted shall be vested during his minority, or until discharged by such authorized agency from its care and supervision, in the authorized agency placing out or boarding out such child and any such authorized agency may in its discretion remove such child from the home where placed or boarded.

§ 384. **Guardianship of destitute or dependent children.** 1. Method. The guardianship of the person and the custody of a destitute or dependent child may be committed to an authorized agency by an instrument in writing signed:

(a) if both parents shall then be living, by the parents of such child, or by the surviving parent, if either parent of such child be dead;

(b) if either one of such parents shall have for a period of six months then next preceding abandoned such child, by the other of such parents;

(c) if the father of such child shall have neglected to provide for his family during the six months next preceding, or if such child is born out of wedlock, by the mother of such child;

(d) if both parents of such child are dead, by the guardian of the person of such child lawfully appointed, with the approval of the court or officer which appointed such guardian to be entered of record;

(e) if both parents of such child are dead, and no legal guardian of the person of such child has been appointed, and no guardian has been appointed by will or by deed by either parent thereof or if the parent or parents whose consent would otherwise be required under this section be legally declared insane or mentally defective, or if the parents have abandoned such child for the period of one year then next preceding by order of the surrogate, or children's court judge of the county in which such authorized agency is located, on such notice to such persons as the surrogate or judge may in his discretion prescribe. Such order and the papers upon which it was granted shall be filed in the court and a duplicate original of such order shall also be filed in the office of the county clerk of the county in which such court is located to be recorded and to be inspected or examined in the manner hereinafter provided.

2. Terms. Such guardianship shall be in accordance with the provisions of this article and the instrument shall be upon such terms, for such time and subject to such conditions as may be agreed upon by the parties thereto. It may also provide for the absolute surrender of such child to such authorized agency. But no such agency shall draw or receive money from public funds for the support of any such child except upon the written order or permit of the officer or board legally exercising the powers of a public welfare official of the county, city or town sought to be charged with the support of such child.

3. Instrument. The instrument herein provided shall be signed and shall be (a) acknowledged or

(b) executed in the presence of one or more witnesses and acknowledged by such witness or witnesses, in either case before a notary public or other officer authorized to take proof of deeds and shall be recorded in the office of the county clerk in the county where such instrument is executed, or where the principal office of such authorized agency is located, in a book which such county clerk shall provide and shall keep under seal. Such record shall be subject to inspection and examination only as provided in subdivision three of section three hundred seventy-two.

§ 385. **Orders; prohibiting placing out or boarding out; removal.** 1. Prohibiting placing out or boarding out. Whenever the board shall decide by the affirmative vote of a majority of its members that any disposition of a child under this title has been made for purposes of gain, or without due inquiry as to the character and reputation of the person with whom such child is placed, or in such manner that such child is subjected to cruel or improper treatment or neglect or immoral surroundings, or in such manner that the religious faith of the child is not preserved and protected as provided by this title, the board may issue an order prohibiting such an authorized agency, association, corporation, institution, society or other organization from thereafter placing out or boarding out any child. No such order shall be issued until after an opportunity to be heard before the board and after reasonable

notice has been given, with a copy of the charge. A full record of the proceedings and decision on such hearing shall be kept by the board. Any such order issued by the board may be revoked by said board.

2. Orders of removal. Whenever the board or the commissioner shall find a minor

(a) placed out or boarded out in a home which is unsuitable or has no license or certificate, or

(b) cared for under a certificate or license but neglected or without suitable care or protection,

either of them may order its removal within thirty days by the agency which placed it and if such order cannot be served upon such agency, it may be addressed to the public board, commission, or officer of the county charged with the care of such child. If such child is not removed within the specified time, the matter may be brought before the children's court or other court having jurisdiction, for adjudication and disposition.

3. Review of orders. Any person, agency, association, corporation, institution, society or other organization, aggrieved by the decision of the board in making any order pursuant to the provisions of this title, may institute, in the judicial district in which the applicant resides or has its chief office, a proceeding under article seventy-eight of the civil practice act and in which the reasonableness of such decision shall be subject to review.

§ 386. **Visitation; inspection and supervision.** The board is authorized to visit, in its discretion 1. any minor under the age of twenty-one years committed, placed out or boarded out and not legally adopted or in the custody of a legal guardian.

2. any home or place where a child or children are received, boarded or kept under a license or certificate whether or not such children are maintained as public charges. Every licensed home shall, if practicable, be visited by the department at least four times in each year. Such homes and places may be visited by the employees of any incorporated society for the prevention of cruelty to children.

§ 387. **Rules.** The board is hereby empowered and authorized to make from time to time such rules as may be necessary to make effective the provisions of this title.

§ 388. **Special charters.** The power and authority given to agencies, associations, corporations, institutions and societies in their charters shall not be abrogated or nullified, except as the same are in conflict with this title.

§ 389. **Penalty for violations.** Any person, corporation, agency, society, institution or other organization, wilfully violating any of the provisions of this title or failing to comply with any order which the board is authorized under this title to make, shall be guilty of a misdemeanor.

§ 390. **Day nurseries and day care for children; permits required.** 1. Except as provided herein, no day nursery nor any place, person, association, corporation, institution or agency shall

provide day care for three or more children without a permit therefor issued by the department, or otherwise than in accordance with the terms of said permit and with the rules of the board and the regulations of the department for the protection and care, including the health, safety, treatment and training of children.

2. This section shall not apply to care given

(a) in a city wholly including one or more counties, or

(b) by parents or relatives within the second degree of the parents of a child or children.

Added by L. 1942, *C.* 164, *eff. March* 23, 1942.

§ 391. **Violation; injunction.** Violations of any provision of this title may be prohibited by injuction. Whenever the commissioner has reason to believe that any provision of this title is being violated, or is about to be violated, he may, with the approval of the board, maintain and prosecute, in the name of the people of this state, an action in the supreme court for the purpose of obtaining an injunction restraining such violation.

Notwithstanding any limitation of sections eight hundred seventy-seven or eight hundred seventy-eight of the civil practice act, such court may, on motion and affidavit, and upon proof that such violation is one which reasonably may result in injury to any person, whether or not such person is a party to such action, grant a preliminary injunction or interlocutory injunction upon such terms as may be just. No security on the part of the people of this state shall be required.

Added by L. 1946, *C.* 349, *eff. April* 1, 1946.

TITLE 2

Powers and Duties of Public Welfare Officials

Section 395. Responsibility of public welfare districts for the welfare of children.
396. Health and welfare services to all children.
397. Powers and duties of public welfare officials in relation to children.
398. Additional powers and duties of commissioners of public welfare and certain city public welfare officers in relation to children.
399. Children discharged from state institutions.
400. Removal of children.
401. Births to inmates of public homes.
402. Children forbidden in public homes.
403. The religious faith of children and minors.

§ 395. **Responsibility of public welfare districts for the welfare of children.** A public welfare district shall be responsible for the welfare of children who are in need of public assistance and care, support and protection, residing or found in its territory, insofar as not inconsistent with the jurisdiction of a children's court. Such assistance and care shall be administered either directly by the

public welfare official charged therewith, or by another public welfare official acting on his behalf by and pursuant to the provisions of this chapter, or through an authorized agency as defined by this chapter.

As amended by L. 1946, C. 200, eff. April 1, 1946.

§ 396. **Health and welfare services to all children.** All public welfare districts and towns, shall provide children who attend schools other than public with all or any of the health and welfare services and facilities, including but not limited to health, surgical, medical, dental and therapeutic care and treatment, and corrective aids and appliances, authorized by law and now granted or hereafter made available by the public welfare district or districts and/or towns for or to children in the public schools in so far as these services and facilities may be requested by the authorities of the schools other than public. Any such services or facilities shall be so provided notwithstanding any provision of any charter or other provision of law inconsistent herewith.

As amended by L. 1941, C. 936, eff. May 1, 1941.

§ 397. **Powers and duties of public welfare officials in relation to children.** All public welfare officials responsible for the administration of home relief to families shall, in relation to all children in such families other than delinquent children, defective children, physically handicapped children and children born out of wedlock who shall be cared for under the provisions of the following section, have powers and perform duties as follows:

1. As to destitute children:

(a) Investigate the family circumstances of each child reported as destitute in order to determine what care, supervision or treatment, if any, such child requires.

(b) Administer and supervise relief to families with destitute children when such families are unable to care for such children and relief is necessary to prevent the separation of children from their parents.

(c) Furnish children, whose parents or guardian are unable to do so, with suitable clothing, shoes, books, food and other necessaries to enable them to attend upon instruction as required by law.

2. As to neglected children:

(a) Investigate complaints of neglect and abuse of children in their own homes and advise and warn any such family.

(b) Bring such case when necessary before the children's court for adjudication.

(c) Institute proceedings in a court of competent jurisdiction against a parent or adult for neglect of a child.

3. Provide any necessary medical or hospital care for such children when responsible for the provision of such care under section sixty-nine.

4. The provisions of this section shall not be deemed to confer on public welfare officials responsible only for the authorization

of home relief or of home relief and hospital care, any powers and duties in relation to destitute and neglected children except as follows:

(a) As to destitute children:

(1) Authorize relief to families with destitute children when such families are unable to care for such children and relief is necessary to prevent the separation of children from their parents.

(2) Furnish children, whose parents or guardians are unable to do so, with suitable clothing, shoes, books, food and other necessaries to enable them to attend upon instruction as required by law.

(b) As to neglected children:

Report to the county commissioner any complaint they may receive of neglect and abuse of children in their own homes.

(c) Provide any necessary medical care or hospital care for such children when responsible for the provision of such care under section sixty-nine.

Subdivision 4 added by L. 1946, C. 200, eff. April 1, 1946.

§ 398. **Additional powers and duties of commissioners of public welfare and certain city public welfare officers in relation to children.** Commissioners of public welfare and city public welfare officers responsible under the provisions of a special or local law for the children hereinafter specified shall have powers and perform duties as follows:

1. As to destitute children: Assume charge of and provide support for any destitute child who cannot be properly cared for in his home.

2. As to neglected or abandoned children:

(a) Investigate the alleged neglect or abandonment of a child and, if necessary, bring the case before the children's court for adjudication.

(b) Care for any such child discharged to his care by a children's court or pending action by such court.

(c) Report to the local registrar of vital statistics of the district in which the child was found the sex, color, approximate date of birth, place of finding, and the name assigned to any child who may be found whose parents are unknown, within ten days whenever possible after the child is found, on a form prescribed therefor by the state commissioner of health, and report the subsequent identification of any such child to the state commissioner of health; provided, however, that in the city of New York such form shall be prescribed by, and such report shall be made to the city commissioner of health.

Subdivision 2 as amended by L. 1941, C. 172, eff. March 27, 1941.

3. As to delinquent children:

(a) Investigate complaints as to alleged delinquency of a child.

(b) Bring such case when necessary before the children's court.

(c) Receive as a public charge any delinquent child discharged to his care by a children's court.

4. As to defective and physically handicapped children:

(a) Obtain admission to state and other suitable schools, hospitals, other institutions, or care in their own homes or in family free or boarding homes for such children in accordance with the provisions of the mental hygiene law, education law and acts relating to children's courts.

(b) Maintain supervision over such defective or physically handicapped children as are not in institutions, hospitals or schools or under the jurisdiction of a children's court.

5. As to children born out of wedlock:

(a) Provide care in a family free or boarding home or in an institution for any child born out of wedlock and for his mother as for any other person in need of public assistance and care during pregnancy and during and after delivery, when in the judgment of such commissioner of public welfare or public welfare officer needed care cannot be provided in the mother's own home.

(b) Institute proceedings to establish paternity and secure the support and education of any child born out of wedlock or make a compromise with the father of such child, in accordance with the provisions of law, relating to children born out of wedlock.

(c) Hold and disburse the money received from such a compromise or pay it to the mother if she gives security for the support of the child.

(d) When practicable, require the mother to contribute to the support of the child.

6. As to all foregoing classes of children:

(a) Investigate the family circumstances of each child reported to him as destitute, neglected, delinquent, defective or physically handicapped in order to determine what assistance and care, supervision or treatment, if any, such child requires.

(b) Provide for expert mental and physical examination of any child whom he has reason to suspect of mental or physical defect or disease and pay for such examination from public funds, if necessary.

(c) Provide necessary medical or surgical care in a suitable hospital, sanatorium, preventorium or other institution or in his own home for any child needing such care and pay for such care from public funds, if necessary.

(d) Ascertain the financial ability of the parents of children who become public charges and collect toward the expense of such child's care such sum as the parents are able to pay.

(e) Collect from parents whose children have been discharged to his care by any children's court such sums as they are ordered to pay for the maintenance of such children and report any failure to comply with such order to such court.

(f) When in his judgment it is advisable for the welfare of the child, accept the surrender of a child by an instrument in writing in accordance with the provisions of this chapter.

(g) Place children in suitable instances in family homes or institutions under the proper safeguards, either directly or through

authorized agencies. Placements shall be made only in institutions located in this state or in such institutions located in an adjoining state as are maintained by a corporation organized under the laws of this state and having authority to maintain an institution for the care of children. However, all placements shall be made in institutions visited, inspected and supervised by the board and conducted in conformity with the rules of such board.

Subdivision 6 (g) as amended by L. 1944, C. 390, eff. March 31, 1944.

(h) Supervise children who have been cared for away from their families until such children become twenty-one years of age or until they are discharged to their own parents, relatives within the third degree or guardians, or adopted by foster parents.

(i) Provide care in an institution or family free or boarding home for any destitute minor between sixteen and eighteen years of age who cannot be properly cared for in his own home, either directly or through authorized agencies.

7. Notwithstanding any inconsistent provisions of law, no city forming part of a county public welfare district may hereafter assume any of the powers, duties and responsibilities mentioned in this section. However, this subdivision shall not be deemed or construed to prohibit a public welfare officer of a city forming part of a county public welfare district from exercising and performing on behalf of the county commissioner of public welfare, pursuant to the provisions of title three-a of article three, any of the powers and duties mentioned in this section. A city forming part of a county public welfare district which heretofore assumed or upon which was heretofore imposed the responsibility for providing any or all of the assistance, care and service mentioned in this section, shall hereafter continue to have such responsibility, provided, however, that the continuance of such responsibility shall be consistent with the powers, duties and responsibilities of such city under and pursuant to the provisions of title three-a of article three.

Subdivision 7 added by L. 1946, C. 200, eff. April 1, 1946.

§ 399. **Children discharged from state institutions.** The commissioners of public welfare shall co-operate with the state institutions for delinquent, defective and physically handicapped children to ascertain the conditions of the home and the character and habits of the parents of a child before his discharge from a state institution, and make recommendations as to the advisability of returning said child to his home. In case the commissioner of public welfare shall deem it unwise to have any such child returned to his former home, such state institution may, with the consent of the commissioner, place such child into the care of said commissioner of public welfare.

§ 400. **Removal of children.** When any child shall have been placed in an institution or in a family home by a commissioner of public welfare or a city public welfare officer, the commissioner or city public welfare officer may remove such child from such institution or family home and make such disposition of such child as provided by law.

§ 401. **Births to inmates of public homes.** No commissioner of public welfare shall provide eare in a publie home for any pregnant woman during confinement unless such public home has adequate hospital or infirmary faeilities, is equipped to give the neeessary medieal and nursing care and has a certificate from the department authorizing sueh publie home to care for maternity cases. Certificates authorizing a publie home to care for maternity cases may be issued by the department for a one-year period, subject to renewal, but may be revoked at any time by the department. If the public home is not so eertified, a eommissioner of public welfare shall, a resonable time before the expected eonfinement of any pregnant woman inmate, provide suitable maintenance and medical eare for her in a hospital or some other place equipped to give adequate care.

§ 402. **Children forbidden in public homes.** No publie welfare official shall send a ehild to be eared for in a publie home, and no commissioner of public welfare and no superintendent of a public home shall reeeive a child in a publie home, exeept that a ehild under the age of two years may be cared for with his mother in a public home. Such ehild shall not remain in the publie home after he becomes two years of age. Provided, however, that when so authorized by the department a child may be sent to a general hospital connected with a public home or to a separate institution located in the grounds of a public home used only for special or temporary care of children.

§ 403. **The religious faith of children and minors.** The religious faith of children and minors between sixteen and eighteen years of age coming under the jurisdiction of public welfare offieials shall be preserved and protected in accordance with section three hundred seventy-three.

TITLE 3

CHILD WELFARE SERVICES

Section 406. Department of social welfare designated as state agency.
407. Powers of department of soeial welfare.
408. Custodian of funds.

§ 406. **Department of social welfare designated as state agency.** The department is hereby designated as the ageney of the state to administer and expend any and all grants of moneys alloeated or made available to the state under the provisions of the federal social security act for ehild welfare serviees as defined in such aet, subjeet to the provisions of such aet and rules and regulations established thereunder and to the laws of the state and rules and regulations established by the state eomptroller.

§ 407. **Powers of department of social welfare.** The department is hereby authorized:

1. to prepare a plan or plans for such ehild welfare services and upon their approval by such federal authority to execute the same.

2. to allocate and disburse to districts, counties or other local subdivisions of the state such amounts from moneys received by the state under the provisions of this title as are available for payment of part of the cost of district, county or other local child welfare services in accordance with such approved plans. Such district, county and other local subdivisions of the state are hereby authorized to receive and expend such allotments but only for the purposes of such plans and subject to the supervision and general direction of the department.

3. to develop within the department services for the encouragement and assistance of adequate methods of community child welfare organization in accordance with such approved plans.

4. to establish and to alter and amend such regulations as may be necessary for the administration of such plans and the provisions of this title.

§ 408. **Custodian of funds.** The department of taxation and finance is hereby authorized to accept and receive on behalf of the state any and all grants or allotments of money made available to the state by or pursuant to the federal social security act for such child welfare services. All moneys so accepted and received shall be deposited by the department of taxation and finance to the credit of a special fund for use exclusively for the purposes for which such grants or allotments were made. The department shall certify to the comptroller all expenditures to be made from such special fund for payment of the part of the cost of district, county or other local child welfare services and for developing state services for the encouragement and assistance of adequate methods of community child welfare organization. Such expenditures may be made for personal service and for administrative and other costs of operation.

ARTICLE 7

State Institutions in the Department

Title 1. General provisions (§§ 411–422).
2. State training schools (§§ 425–440).
3. New York State Woman's Relief Corps Home (§§ 443–446).
4. Thomas Indian School (§§ 448–452).

TITLE 1

General Provisions

Section 411. Continuation of state institutions in the department.
412. Control of state institutions in the department.
413. Appointment of boards of visitors.
414. Expenses.
415. Removal and vacancies.
416. General powers and duties of boards of visitors.
417. Application of provisions of law referring to certain boards.

Section 418. Superintendents.
419. Powers and duties of the superintendent.
420. Treasurers of institutions; powers and duties.
421. Oaths and bonds.
422. Admission to institutions; suspensions.

§ 411. **Continuation of state institutions in the department.** There are continued as state institutions in the department the

1. State agricultural and industrial school at Industry;
2. New York state training school for boys at Warwick;
3. New York state training school for girls at Hudson;
4. Thomas Indian school at Iroquois; and
5. New York state woman's relief corps home at Oxford.

§ 412. **Control of state institutions in the department.** 1. Subject to the provisions of the education law relating to the education of Indian children and the state finance law, the department shall have the jurisdiction, supervision and control of the state institutions in the department.

2. The enumeration, in other provisions of this chapter of certain powers of the board or department generally, with respect to institutions, shall not operate to qualify or impair the jurisdiction, supervision and control hereby conferred with respect to state institutions in the department.

3. The department shall see that the purposes of such institutions are carried into effect, and to that end shall have all necessary powers.

4. The board may adopt rules, not inconsistent with law, defining the powers and duties of boards of visitors with respect to such state institutions for which they are respectively appointed.

§ 413. **Appointment of boards of visitors.** Each of the state institutions in the department shall continue to have a board of seven visitors, to be appointed by the governor by and with the advice and consent of the senate. The terms of office of such visitors shall be seven years, and they shall be so appointed that the term of one of the members of such board shall expire on the first Tuesday of February of each year.

§ 414. **Expenses.** The visitors shall not receive any compensation for their services, but shall receive actual and necessary traveling and other expenses, to be paid after audit as other current expenditures of the institutions.

§ 415. **Removal and vacancies.** Any member of a board of visitors may be removed by the governor for cause, an opportunity having been given him to be heard. A member of a board of visitors who fails to attend three consecutive regular meetings of his board, unless excused by the governor, shall be deemed to have vacated his office.

§ 416. **Powers and duties of boards of visitors.** 1. Boards of visitors, with respect to the institutions for which they are respectively appointed, shall have the powers and duties expressly con-

ferred or imposed on them by this chapter and such other powers and duties, not inconsistent with law, as may be prescribed by regulations of the department.

2. Each board of visitors shall:

(a) in October of each year, elect from among its members a president and secretary,

(b) subject to such regulations and the statutory powers of the department, take care of the general interest of the institution and see that its design is carried into effect,

(c) maintain an effective inspection of the institution, for which purpose such board, or a majority of its members, shall visit and inspect the institution at least once each month,

(d) make a written report to the department and to the governor within ten days after each inspection, such report to be signed by each member making the inspection. Such report shall state in detail the condition of the institution and of its inmates, and such other matters pertaining to the management and affairs thereof as in the opinion of the board of visitors should be brought to the attention of the department or the governor, and may contain recommendations as to needed improvement in the institution or in its management,

(e) keep a fair and full record of their doings, which shall be open at all times to the inspection of the governor or of any person appointed by the governor or by either house of the legislature, to examine the same, and of the board and its members and of authorized representatives of the department,

(f) hold regular meetings at least once each month and cause a copy of the minutes and proceedings thereof to be sent forthwith to each member of the board of visitors, to the department and to the governor,

(g) enter in a book, kept at the institution for that purpose, the date of each visit of each visitor,

(h) make to the department, in July of each year, a detailed report of the results of their visits and inspection, with suitable suggestions and such other matters as may be required of them by the department, for the year ending on the thirtieth day of June preceding the day of such report,

(i) investigate, hear and ascertain the truth of all charges made against the superintendent or other officer or employee of the institution, issue subpoenas, take and hear testimony in respect to such charges and make its recommendations thereon to the authority having the power to discharge or remove. A witness attending before such board shall be entitled to the same fees as a witness attending before a court of record or a judge thereof, which shall be paid as other institutional charges. The resident officer shall admit such visitors into every part of the institution and its buildings, and exhibit to them on demand all the books, papers, accounts and writing belonging to the institution, or pertaining to its business, management, discipline or government, and furnish copies, abstracts and reports whenever required by them.

§ 417. **Application of provisions of law referring to certain boards.** Where, by any provision of law, a function, power or duty is conferred or imposed in terms, on a board of managers or of trustees of any state institution in the department, it shall, so far as consistent with this article, be a function, power or duty of the department, to be exercised or performed by such agency of the department as may be provided by its regulations, and such board, when referred to in any such provision, shall mean the department. Until otherwise provided by such rules, such function, power or duty shall be exercised or performed by the superintendent of each state institution in the department. Nothing contained in this chapter, however, shall prevent such department, by its regulations, from conferring or imposing on the board of visitors any such power or duty of the department.

§ 418. **Superintendents.** 1. There shall be a superintendent of each state institution in the department.

2. Such superintendent shall be in the competitive class of the civil service, and shall be appointed by the board, whenever there is a vacancy. Such superintendent shall have the qualifications prescribed by law, or, if no such qualifications be prescribed, such qualifications as may be prescribed by the board. Before making the appointment, such board shall give notice, by registered mail, to the members of the board of visitors, of its intended action, naming the person whom it proposes to appoint and his place of residence, and shall specify a day, not less than ten days from the mailing of the notice, before which the board of visitors may submit to the board the objections of the board of visitors, if any, to such appointment; and the person named shall not be appointed before such day, except in the case of an express approval by the board of visitors. In case of an appointment whereby the superintendent is transferred from another institution in the department, the transfer shall not be made without the consent of the board of visitors of such other institution.

3. The superintendent may be removed by the board for cause stated in writing, after an opportunity has been given the superintendent to be heard thereon, and such action by such board shall be final. The board of visitors, however, shall be notified of any such hearing and its members be given an opportunity to be heard thereat. Pending the investigation by the board or board of visitors of any charges against a superintendent, and the decision of the board on the question of removal, the board may suspend such superintendent.

4. The board may prefer charges of misconduct or incompetency against any superintendent to the board of visitors, and the board of visitors shall thereupon investigate the truth of such charges and make its recommendations thereon to the board, or the latter board itself may investigate, or cause one or more of its members or the commissioner or the head of a bureau to investigate any charges of like nature made to the board, and for that purpose the investigating authority may subpoena witnesses and take and hear testimony.

§ 419. **Powers and duties of the superintendent.** 1. Subject to regulations of the department, the superintendent of a state institution in the department shall

(a) have the management of the institution, and

(b) except as otherwise provided with respect to the treasurer, shall appoint all subordinate officers of the institution; and they shall be removable by him in accordance with the civil service law and rules,

(c) have the powers and duties prescribed by law for the superintendent of the institution under his charge, and

(d) shall personally submit, at each monthly meeting of the board of visitors, a report showing changes in population, health of inmates, officers and employees; accidents, suicides, unusual sickness, infectious diseases; important occurrences relating to the welfare of the inmates and to the management and discipline of the employees, and such other matters as the board of visitors may specify.

2. Nothing in this chapter shall prevent the adoption by any superintendent of regulations pertaining to duties of officers and employees of the institution under his charge or for the internal government, discipline and management of the institution, consistent with regulations of the department, but any such regulation of the superintendent shall be subject to revocation or suspension by the board or to suspension by the commissioner.

3. The superintendent, with the approval of the commissioner, may enter into an arrangement with the local officials of the town or village in which the institution is located or any town or village adjacent thereto for the purpose of obtaining mutual assistance between the fire fighting facilities of the institution and those of the town or village in fighting fires that may occur on the grounds of the institution, or in such town or village.

Subdivision 3 *added by L.* 1946, *C.* 319, *eff. March* 30, 1946.

§ 420. **Treasurers of institutions; powers and duties.** 1. Each state institution in the department shall have a treasurer.

2. The board may appoint such an officer for any institution, but the superintendent of an institution shall be its treasurer if such an appointment is not made, or pending an appointment to fill a vacancy, and he shall perform the duties of treasurer during the absence or disability of the person, if any, so appointed.

§ 421. **Oaths and bonds.** Each visitor, superintendent and treasurer of a state institution in the department shall take the constitutional oath of office. The treasurer of each such institution shall give a bond in such amount as the comptroller may direct. An additional bond or bonds may be required at any time of a treasurer who disburses money accruing from gifts, to secure his faithful discharge of that duty. The costs of any such bond shall be paid from funds appropriated to the use of the institution.

§ 422. **Admission to institutions; suspensions.** 1. Subject to the provisions of this chapter the board may establish rules governing the admission of inmates to the state institutions in the department.

2. (a) if in the judgment of its superintendent the number of inmates of any such institution at any time so far exceed its proper capacity that suitable care, training or discipline cannot be given to additional inmates, or for other reasons the admission of such additional inmates is impracticable, the board in its discretion, by resolution setting forth the reason for such action, may suspend the admission of inmates to such institution until such time as they may properly be admitted.

(b) The department shall promptly notify courts and other public officers empowered to commit persons to such institution of any such suspension of admission and of its termination.

(c) A person committed to such institution before the court receives notice of such a suspension may be recommitted to another institution to which he or she might have been lawfully committed in the first instance.

3. In the admission of inmates to the state institutions in the department the several counties and the city of New York shall, so far as practicable, be entitled to have in such institutions inmates in the ratio which their respective populations bear to the population of the state as ascertained by the most recent official census.

TITLE 2

STATE TRAINING SCHOOLS

Section 425. Purpose; definition.
425-a. Temporary branches of state training schools.
426. Board of visitors; special provisions.
427. Commitment of male children; special provisions.
427-a. Transfers to certain institutions under the jurisdiction of the department of mental hygiene.
427-b. Transfers to certain institutions under the jurisdiction of the department of correction.
428. Transfer of wards of state training schools.
429. Training, care and supervision.
430. Commitments; papers to be furnished.
431. Return of children improperly committed.
432. Wards having children; care of mother and child.
433. Conveyance and temporary detention of children committed.
434. Return of runaway.
435. Freedom of worship.
436. Confinement of juvenile delinquents under sentences by the courts of the United States.
437. Parole.
438. Colonies of New York state training school.
439. Acquisition of property by boards of visitors; application and expenditure.
440. Care of children paroled from state training schools.

§ 425. **Purpose; definition.** 1. The state agricultural and industrial school, the New York state training school for boys, and the New York state training school for girls shall be for the training and care of children who shall be legally committed thereto and for their guidance and supervision on release.

2. In this title "state training schools" shall mean such institutions.

§ 425-a. **Temporary branches of state training schools.** 1. For the better care, treatment, protection and security of juvenile delinquents committed to the state training schools who, in the judgment of the commissioner, require special care, treatment or attention, the department may establish, and operate and maintain for five years, in suitable locations, temporary branches of the state training schools. All necessary building space, buildings, grounds and other facilities shall be leased by the department, in so far as funds are available for such purposes; no such lease shall be for a term greater than five years.

2. Juvenile delinquents shall not be committed directly to any temporary branch that may be established.

3. This section shall not be deemed to empower or permit the erection or establishment of any additional permanent institution or state training school.

Added by L. 1945, *C.* 555, *eff. April* 5, 1945.

§ 426. **Board of visitors; special provisions.** 1. Notwithstanding the provisions of section four hundred thirteen the board of visitors of the state agricultural and industrial school shall continue to consist of fifteen members.

2. Of the members of the board of visitors of the New York state training school for girls, one shall be a physician who has practiced his profession for ten years, and at least three shall be women.

§ 427. **Commitment of male children; special provisions.** 1. Male children not over the age of sixteen years from the fourth, fifth, sixth, seventh and eighth judicial districts of this state, if committed to a state institution shall be committed to the state agricultural and industrial school and such children from the first, second, third and ninth judicial districts shall if committed to a state institution, be committed to the New York state training school for boys.

2. The board may reassign the districts, in whole or in part, from which commitments may be made to these institutions. The commissioner may authorize the transfer of a boy from one of such institutions to the other or any branch of either if the public interest and the interest of the boy are deemed by him to require such action.

Subdivision 2 *as last amended by L.* 1945, *C.* 555, *eff. April* 5, 1945.

§ 427-a. **Transfers to certain institutions under the jurisdiction of the department of mental hygiene.** 1. Any person committed to and cared for in a state training school, who is less than twenty-one years of age, may be transferred to a state school under the jurisdiction of the department of mental hygiene whenever it appears to the satisfaction of the commissioner of social welfare that such person will substantially benefit from care and treatment in such a state school and that the interests of the state will be best served thereby. Such a transfer may be made only upon written order of the commissioner of social welfare certifying the reasons therefor and upon the written consent and approval of the commissioner of mental hygiene and the commissioner of correction.

2. Each state institution to which a person is transferred as in this section provided shall, and it is hereby authorized to, receive, treat and otherwise care for such person in the same manner as other persons certified to such institution.

3. A person so transferred shall continue to be under the general care and supervision of the department of social welfare except that he shall be temporarily cared for and treated in the institution to which the transfer is made. While in such latter institution he shall be subject to the laws and rules appertaining thereto, except that his parole and discharge shall continue to be governed by the laws and rules appertaining to the institution from which he was transferred.

4. The term of detention or confinement of a person transferred in accordance with the provisions of this section shall not be extended or increased by reasons of any such transfer.

5. Whenever it is found that the confinement of any person in an institution to which he shall have been transferred as hereinbefore in this section provided is no longer suitable, for any reason, and the commissioner of mental hygiene shall so certify to the commissioner of social welfare, such person so transferred shall be forthwith returned by the director or other official in charge of the institution in which he is confined to the institution from which he came.

6. All expenses incident to a transfer under this section shall be borne by the department from which the transfer is made.

Added by L. 1945, *C.* 555, *eff. April* 5, 1945.

§ 427-b. **Transfers to certain institutions under the jurisdiction of the department of correction.** 1. Any person committed to and cared for in a state training school, who is sixteen years of age or over, may be transferred to another institution, as hereinafter in this section provided, whenever it appears to the satisfaction of the commissioner of social welfare that such person is incorrigible and that his presence in the institution is seriously detrimental to the welfare thereof. In the case of a male person such transfer shall be to the Elmira reformatory or the New York state voca-

tional institution, and in the case of a female person such transfer shall be to the Westfield state farm. Such a transfer may be made only upon written order of the commissioner of social welfare certifying the reasons therefor and upon the written consent and approval of the commissioner of correction and the commissioner of mental hygiene.

2. Each state institution to which a person is transferred as in this section provided shall, and it is hereby authorized to, receive, treat and otherwise care for such person in the same manner as other persons committed to such institution, subject to its age requirements for admission thereto.

3. A person so transferred shall continue to be under the general care and supervision of the department of social welfare, except that he shall be temporarily confined and cared for in the institution to which the transfer is made. While in such latter institution, he shall be subject to the laws and rules appertaining thereto, except that his parole and discharge shall continue to be governed by the laws and rules appertaining to the institution from which he was transferred.

4. The term of detention or confinement of a person transferred in accordance with the provisions of this section shall not be extended or increased by reason of any such transfer.

5. Whenever it is found that the confinement of any person in an institution to which he shall have been transferred as hereinbefore in this section provided is no longer suitable, for any reason, and the commissioner of correction shall so certify to the commissioner of social welfare, such person so transferred shall be forthwith returned by the superintendent or other official in charge of the institution in which he is confined to the institution from which he came.

6. All expenses incident to a transfer under this section shall be borne by the department from which the transfer is made.

Added by L. 1945, *C.* 553, *eff. April* 5, 1945.

§ 428. **Transfer of wards of state training schools.** If a delinquent over the age of sixteen years confined in the state agricultural and industrial school or the New York state training school for boys shall offer any violence to any officer of such school, or to any other delinquent confined therein or do or attempt to do any injury to any building, or any workshops or to any appurtenances thereto or any property therein, or shall attempt to escape or resist or disobey any lawful command of any officer thereof or shall by gross or habitual misconduct exert a dangerous and pernicious influence over the other delinquents, with the approval of the department, a written statement of the facts may be submitted by the superintendent of the respective schools to a justice of the supreme court, or

1. in the case of the New York state training school for boys to the county judge of the county of Orange, or,

2. in the case of the state agricultural and industrial school to the county judge of the county of Monroe, and an application made for an order authorizing a temporary confinement of such delinquent to a county penitentiary or county jail. Such justice or judge shall forthwith inquire into the facts, and if it appear that the statement is substantially true, and that the ends desired to be accomplished by the school wherein the case has arisen will be best promoted thereby, he shall make an order authorizing the confinement of such delinquent in such penitentiary or county jail for the limited time expressed in the order, and the keeper or superintendent of such penitentiary, or county jail shall receive such delinquent and detain him during the time expressed in such order. At the expiration of the time limited by such order, or sooner, if the superintendent of such school subject to the approval of the department, shall direct, the superintendent or keeper of such county jail or penitentiary shall return such delinquent to the custody of the superintendent of the school from which such delinquent shall have been received.

§ 429. **Training, care and supervision.** The superintendents of the state training schools shall cause the children detained therein or under their care to be given such training, care and supervision as shall be suitable to their years and capacities.

§ 430. **Commitments; papers to be furnished.** Whenever any child not over the age of sixteen years shall be adjudicated to be delinquent by a children's court and is not insane, nor mentally or physically incapable of being substantially benefited by the training and discipline of such school, such child

1. If a boy, may be committed to the

(a) state agricultural and industrial school if he is from a district from which commitments thereto may be made, or

(b) to the New York state training school for boys if he is from a district from which commitments thereto may be made and

2. if a girl, may be committed to the New York state training schools for girls.

3. No child under the age of twelve years shall be committed to any such school for any crime or offense less than a felony.

4. No commitment made under this section which shall recite the facts upon which it is based shall be deemed or held to be invalid by reason of any imperfection or defect in form.

5. No child shall be committed to any such school for a definite term.

6. Any child may be paroled or discharged at any time after commitment in accordance with rules of the board.

7. Every child legally committed to any such school shall continue to be a ward of such school until he or she becomes of the age of twenty-one years, notwithstanding his or her parole or discharge thereform, and notwithstanding the provisions of any other act, whether general or special.

8. If deemed by the superintendent of such school necessary for his or her welfare or for his or her protection against evil associations or companionship, the superintendent of such school may

return him or her temporarily to such school at any time during minority unless he or she shall have been discharged by the department.

9. Each such school shall furnish to the clerks of the several children's courts of the state suitable blanks for the commitment of children thereto.

10. The children's court shall immediately notify the superintendent of the school of the commitment of any child thereto and shall cause a record to be kept as required by section three hundred seventy-two and also of the occupation and dates and causes of previous commitments, if any, of such child and the particulars of the offense for which the child is committed. The children's court shall also execute a warrant of commitment, which shall recite the facts upon which it is based, and the facts in the record hereinabove required. This warrant of commitment shall be delivered to a person authorized by law to accompany such child to the school to which the commitment is made, and shall be delivered by such person to the superintendent thereof, who shall cause the facts stated therein, and such other facts as may be directed by the department, to be entered in a book of record. This warrant of commitment shall constitute the only paper requisite to a commitment to any such school.

11. A children's court shall, before committing any such child, inquire into and determine the age of such child at the time of commitment, and his or her age as so determined shall be stated in the warrant. The statement of the age of such child in such warrant shall be conclusive evidence as to such age, in any action to recover damages for his or her detention or imprisonment under such warrant, and shall be presumptive evidence thereof in any other inquiry, action or proceeding relating to such detention or imprisonment. If the court shall omit to insert in the warrant of commitment the age of any delinquent committed to any such school, the superintendent shall as soon as may be after such delinquent shall be received, ascertain his or her age by the best means in his power, and cause the same to be entered in a book to be designated for that purpose, and the age of such delinquent thus ascertained shall be deemed and taken to be the true age of such delinquent.

§ 431. **Return of children improperly committed.** 1. Whenever it shall appear to the satisfaction of the superintendent of any state training school, that any child committed thereto is not of proper age to be so committed or is not properly committed, or is insane or mentally or physically incapable of being materially benefited by the discipline of such school, such superintendent, subject to regulations established by the department, shall cause the return of such child to the county from which the commitment was made.

2. Such child shall be so returned in the custody of one of the persons employed by such school who shall deliver such child into the custody of the sheriff of such county. Such sheriff shall take such child before the court making the commitment to be by such court dealt within all respects as though he or she had not been so committed.

3. The cost and expenses of the return of such child, necessarily incurred and paid by such school shall be a charge against the county from which such child was committed, to be paid by such county to the treasurer of such school in the same manner as other county charges are collected. Moneys so received by such treasurer in reimbursement for expenses incurred shall be returned to the funds available for the use of such school.

§ 432. **Wards having children; care of mother and child.** 1. If any female committed to the New York state training school for girls is, at the time of commitment, a mother of a nursing child in her care under one year of age, or is pregnant with child which shall be born after such commitment, such child may accompany its mother to and remain in such school until it is two years of age and must then be removed therefrom.

2. If a female, when committed, is pregnant with or the mother of a nursing child, the superintendent may, at any time after commitment, place such female in any maternity hospital, or with any proper person or family in this state, and pay at a reasonable rate for the care and maintenance of such female and such child, if any, until such child becomes two years of age, when the mother must be returned to such school and the child disposed of.

3. Said superintendent shall cause the return to the school of said mother, in either case hereinabove provided for, before the child becomes two years of age, whenever, in the opinion of said superintendent, the best interests of said mother and child will justify the separation.

§ 433. **Conveyance and temporary detention of children committed.** 1. The superintendents of the state training schools may designate employees to convey to such schools from the place of commitment all children legally committed thereto, and such employees shall have the power and authority of deputy sheriffs in respect thereto.

2. All expenses necessarily incurred in making such conveyance shall be paid by the respective schools.

3. (a) When the commitment of any child to a state training school is made in a locality where there is a humane society or other organization or institution authorized to care for children, such child shall be temporarily committed to such society, organization or institution until conveyed therefrom to such school.

(b) When such commitment of a girl to the New York state training school for girls is made in a locality where there is no such society, organization or institution, it shall be the duty of the officials of such school immediately to cause such child to be conveyed to such school.

4. In case admission to either such school is suspended by the department, the court committing any child to such school shall make suitable provision for his or her detention and care until such suspension of admission is terminated.

§ 434. **Return of runaway.** 1. If a ward runs away from a state training school, the superintendent may cause him or her to be apprehended and returned to such school.

2. An employee designated by the superintendent of such school may apprehend and return to the school, without a warrant a runaway ward in any county in this state, and shall forthwith convey him or her to the school from which he or she escaped; and a magistrate may cause a runaway ward to be arrested and held in custody, until such ward can be removed to such school.

§ 435. **Freedom of worship.** Nothing herein contained shall interfere with the right of freedom of worship of any inmate confined within any of the state training schools as provided by the state constitution.

§ 436. **Confinement of juvenile delinquents under sentences by the courts of the United States.** The superintendents of the state training schools shall receive and safely keep in such schools, subject to the provisions of this title, any person not over the age of sixteen years convicted of any offense against the United States, and sentenced to imprisonment by any court of the United States, sitting within this state, until such sentences be executed, or until such delinquent shall be discharged by due course of law, conditioned upon the United States supporting such delinquent and paying the expenses attendant upon the execution of such sentence.

§ 437. **Parole.** Under regulations established by the department, any state training school may at any time release upon parole any person committed thereto and may at any time cause the return of any such person released upon parole for violation of the conditions of parole.

§ 438. **Colonies of New York state training school.** The department may establish one or more colonies for the care of girls paroled from the New York state training school for girls. The administration of such colonies shall be in accordance with regulations established by the department.

§ 439. **Acquisition of property by boards of visitors; application and expenditure.** The boards of visitors of the state agricultural and industrial school, the New York state training school for boys and the New York state training school for girls as agents of the department, respectively, may take and hold in trust for the state any grant or devise of land, or any gift or bequest or money or other personal property, or any donation, to be applied, principal and income or both, to the maintenance and general uses of the respective schools. Any such acquisition shall be subject to approval by the department except as the regulations of the department may otherwise provide. Property so acquired shall be applied or expended subject to the regulations of the department. The expenditure of moneys derived from any such source, including income, shall be under the immediate direction of the treasurers of the respective schools except as such regulations may otherwise provide.

§ 440. **Care of children paroled from state training schools.** The superintendent of each state training school shall have power, in so far as funds are made available for the purpose, to pay for the

care of any child paroled from the school of which he is the superintendent when in his opinion there is no fit parent, relative, guardian or friend to whom the child can be paroled and suitable care cannot otherwise be secured. Payment for such care may be made to an authorized agency equipped to provide suitable care or to a person providing such care. In addition to payment for such care, the superintendent shall have power to provide and pay for clothing and other necessities that may be required for the welfare of any child so paroled. Such care shall be provided and such payments made in accordance with regulations of the department.

As amended by L. 1945, *C.* 552, *eff. April* 5, 1945.

TITLE 3

NEW YORK STATE WOMAN'S RELIEF CORPS HOME

Section 443. Purpose.
444. Board of visitors; special provision.
445. Admission to home.
446. Acquisition and application of property.

§ 443. **Purpose.** The New York state woman's relief corps home, at Oxford shall be for the care of aged dependent veterans and their wives, veterans' mothers, widows and dependent daughters, and army nurses.

§ 444. **Board of visitors; special provision.** One member of the board of visitors of such home shall be appointed from the members of each of the following patriotic organizations, provided that the organization has at least ten members available for appointment and capable of performing the duties of the office: the grand army of the republic, department of New York; the woman's relief corps auxiliary to the grand army of the republic, department of New York; the united Spanish war veterans, department of New York; the woman's auxiliary, united Spanish war veterans, department of New York; an organization of veterans of world war one, department or division of New York; and a woman's auxiliary of an organization of veterans of world war one, department or division of New York. Appointments shall be so made that there will be at all times four women and three men members of such board.

As amended by L. 1944, *C.* 420, *eff. March* 29, 1944.

§ 445. **Admission to home.** 1. Every honorably discharged soldier or sailor or marine who served in the army or navy of the United States, for a period of not less than thirty days, during

(a) the war of the rebellion or the Spanish-American war, or

(b) the incidental insurrection in the Philippines prior to July fourth, nineteen hundred two, or

(c) the world war between April sixth, nineteen hundred seventeen and November eleventh, nineteen hundred eighteen, both inclusive, who enlisted from the state of New York or who shall have been a resident of this state for one year next preceding the application for admission, and

2. the wife, widow, mother and dependent daughter of any such honorably discharged soldier or sailor or marine, and the wife, widow, mother and dependent daughter of any such soldier, sailor or marine who died while in the service of the army or navy of the United States during any of the wars or insurrections hereinbefore mentioned, notwithstanding the length of such service, and

3. army nurses who served in said army or navy and whose residence was at the time of the commencement of such service, or whose residence shall have been for one year next preceding his or her application for admission to said home within the state of New York, and who shall need the aid or benefit of said home in consequence of physical disability or other cause within the scope of the regulations of the department,

shall be entitled to admission to said home after the approval of the application by the board of visitors and subject to the conditions, limitations, and penalties prescribed by the regulations of the department.

4. Said soldier, sailor or marine must be married and shall be accompanied by his wife during the time he may be an inmate of said home. In case of the death of his wife, while an inmate of said home, he may remain an inmate of said home with the consent of the superintendent, approved by the board of visitors.

5. No wife or widow of a soldier, sailor or marine shall be admitted as an inmate of said home unless

(a) she was married to such soldier, sailor or marine at least ten years prior to the date of such application, or

(b) is the widow of a world war veteran and was married to him prior to January first, nineteen hundred thirty.

6. No daughter of a soldier, sailor or marine shall be admitted as an inmate of said home unless she shall have attained the age of fifty-five years and she is dependent.

7. No such world war veteran, or the wife, widow or mother of such a world war veteran shall be admitted unless incapacitated and no such veteran and wife shall be admitted unless both be incapacitated.

8. Preference of admission shall be given first: to veterans of the civil war, their wives and widows, second: to veterans of the Spanish-American war, their wives and widows and third: to veterans of the world war as defined in paragraph (c) of subdivision one of this title, their wives and widows.

Subdivision 8 *as amended by L.* 1944, *C.* 420, *eff. March* 29, 1944.

9. The board of visitors shall require an applicant for admission to such home to file with the application for admission his own affidavit of residence and the affidavit of at least two householders in and residents of the county of which he claims at the time of such application to be a resident; and such affidavits shall, on presentation, be accepted and received as sufficient proof, unless contradicted, of the residence of such applicant in any actions or proceedings against such county in which such residence of such applicant is material.

10. If, after having been an inmate of such home and honorably discharged therefrom, a person shall reassume his or her former residence in any county, or shall acquire a new residence in any other county, and shall become entitled to public assistance or care, the welfare officials within whose jurisdiction such person resides, may return him or her to such home, to be maintained therein.

§ 446. **Acquisition and application of property.** 1. Subject to the regulations of the department, the board of visitors or the duly appointed treasurer, as agent of the department, may receive, retain and expend receipts other than state appropriations, any money or other personal property given, bequeathed or entrusted to such board of visitors or such duly appointed treasurer, for the purposes for which it is given or bequeathed to the home or entrusted for safe keeping or, if unaccompanied by conditions or limitations, for any of the purposes of the home or for the convenience of the inmates thereof.

Subdivisions 2 and 3 repealed by L. 1943, C. 698, eff. June 1, 1944.

TITLE 4

THOMAS INDIAN SCHOOL

Section 448. Purpose.
449. Boards of visitors; special provisions.
450. Limitation as to acquisition and application of property.
451. Admissions.
452. Transfers to other institutions.

§ 448. **Purpose.** The Thomas Indian school, established at Iroquois on the Cattaraugus reservation in the county of Erie, shall be for the care of orphan, destitute or neglected Indian children. Children in such institution shall be given such care, moral training, education and instruction in husbandry and the arts of civilization as the rules of the board may prescribe, subject to the provisions of the education law.

§ 449. **Boards of visitors; special provisions.** Of the members of the board of visitors three shall be Indians, and of such Indians at least one shall be a member of "The Seneca Nation of Indians" of New York.

§ 450. **Limitation as to acquisition and application of property.** Subject to the regulations of the department, the board of visitors of the Thomas Indian School may acquire and hold, as agent of the department, in the name of and for the people of the state of New York, property, by grant, gift, devise or bequest, except reservation lands, which may be held by those visitors who are members of "The Seneca Nation of Indians" of New York, to be applied to the maintenance of dependent, neglected and destitute Indian children, and the general use of the school. Any such acquisition shall be subject to approval by the department, except as the regulations

of the department otherwise provide. The expenditure of moneys derived from any such source, including income, shall be under the immediate direction of the treasurer of the school, except as such regulations otherwise provide.

§ 451. **Admissions.** 1. Dependent, destitute or neglected Indian children who have resided in the state of New York for at least one year, shall be eligible for admission to the Thomas Indian School.

2. Subject to the rules of the board and regulations of the department neglected Indian children may be committed to the school by any children's court within the state.

3. Children who are mentally or physically incapable of profiting by the care, instruction and training of the school and children who are juvenile delinquents shall not be admitted to the school or retained therein.

§ 452. **Transfers to other institutions.** Whenever the number of Indian children in such school shall be in excess of its proper capacity, or the applications for admission of such children to such school shall exceed its proper accommodations, or whenever the comfort and well-being or general interests of any Indian children therein will likely be promoted by their removal to other asylums, hospitals or institutions the department may contract with the managers or other authorities of such asylums, hospitals or institutions as may be deemed desirable for the reception, care and treatment of such Indian children, as may, from time to time, be transferred thereto, at a fixed weekly per capita rate not exceeding seven dollars, except in the case of sick children requiring hospital treatment and care, when the fixed weekly per capita rate shall not exceed twenty dollars. If authorized by the regulations of the department, such contracts may be made by the superintendent of the school.

ARTICLE 8

State Charities Aid Association

Section 461. Visits by the state charities' aid association.
462. Duties of officers in charge of institutions; enforcement of orders.
463. Annual reports.

§ 461. **Visits by the state charities' aid association.** Any justice of the supreme court, on written application of the state charities' aid association, through its president or other officer designated by its board of managers, may grant to such persons as may be named in such application, orders to enable such persons, or any of them, as visitors of such association to visit, inspect and examine, in behalf of such association, any public home, public charitable institution and state hospital for the insane, owned by the state, within the state. The person so appointed to visit, inspect and examine such institutions shall reside in the counties from which such institutions received their inmates, and such appointments shall be made

by a justice of the supreme court of the judicial district in which such visitors reside. Each order shall specify the institution to be visited, inspected and examined and the name of each person by whom such visitation, inspection and examination shall be made, and shall be in force for one year from the date on which it shall have been granted, unless sooner revoked.

§ 462. **Duties of officers in charge of institutions; enforcement of orders.** All persons in charge of any such institution shall admit each person named in any such order into every part of such institution, and render such person every possible facility to enable him to make in a thorough manner such visits, inspection and examination, which are hereby declared to be for a public purpose, and to be made with a view to public benefit. Obedience to the orders herein authorized shall be enforced in the same manner as obedience is enforced to an order or mandate by a court of record.

§ 463. **Annual reports.** Such association shall make an annual report to the board upon matters relating to the institutions subject to the visitation of such board; and to the department of mental hygiene upon matters relating to the institutions subject to the inspection and control of such department or of the head thereof. Such reports shall be made on or before the first day of August for each preceding fisical year.

ARTICLE 9

DISPENSARIES

Section 464. Definition of dispensary.
465. Licensing of dispensaries by the board.
466. Rules.
467. Visitation and inspection.
468. Revocation of licenses.
469. Drug store not to be used by dispensary; unlawful display of signs.
470. Violation of article, misdemeanor.
471. Obtaining surgical or medical treatment on false representations, misdemeanor.

§ 464. **Definition of dispensary.** For the purposes of this article, a "dispensary" is declared to be any person, corporation, institution, association or agent, except the state departments of health, mental hygiene, and education, or an institution subject to their jurisdiction, a local department of health or board of education, or a health officer, whose purpose it is, either independently or in connection with any other purpose, to furnish, at any place or places, to persons nonresident therein, either gratuitously or for a compensation determined without reference to the value of the thing furnished, medical or surgical advice or treatment, medicine or apparatus, provided, however, that the moneys used by and for the purposes of said dispensary shall be derived wholly or in part from trust funds, public moneys or sources other than the individuals constituting said dispensary and the persons actually engaged in the distribution of charities of said dispensary.

§ 465. **Licensing of dispensaries by the board.** 1. An application in writing for a dispensary license shall be made to the board in the form and manner prescribed by it, which shall be uniform for all schools of medicine. There shall be attached to such application a statement, verified by the oath of the applicant, containing such facts as the board may require.

2. If, in the judgment of the board, the statement filed, and other evidence submitted in relation to such application, indicate that the operations of said dispensary will be for the public benefit, a license shall be issued to the dispensary applying therefor in the form prescribed by the board.

3. A dispensary shall not enter upon the execution, or continue the prosecution of its purpose unless licensed by the board, as provided in this article.

§ 466. **Rules.** The boards shall make rules, and alter or amend the same, in accordance with which all dispensaries shall furnish and applicants obtain medical or surgical relief, advice or treatment, medicine or apparatus. But such rules shall not in any case specify the particular school of medicine in accordance with which a dispensary shall manage or conduct its work or determine the kind of medical or surgical treatment to be provided by any dispensary.

§ 467. **Visitation and inspection.** The board or any of its members may at any and all times visit and inspect licensed dispensaries. They may examine all matters in relation to said dispensaries, and ascertain how far they are conducted in compliance with this law and the rules of the board.

§ 468. **Revocation of licenses.** 1. After due notice to a dispensary, and opportunity for it to be heard, the board may, if public interest demands, and for just and reasonable cause, revoke a license by an order signed and attested by the chairman and secretary of the board. Such order shall state the reason for revoking such license, and shall take effect within such time after the service thereof upon the dispensary as the board shall determine.

2. The board is directed to apply to the supreme court to revoke the license and annul the incorporation of any dispensary legally incorporated, or conducted in connection with an incorporated institution on April eighteenth, eighteen hundred and ninety-nine, for wilful violation of the rules of the board.

§ 469. **Drug store not to be used by dispensary; unlawful display of signs.** 1. No dispensary shall make use of any place commonly known as a drug store.

2. No person, corporation, institution, society, association, or agent thereof, except a duly licensed dispensary, the state departments of health, mental hygiene, and education, or an institution subject to their jurisdiction, a local department of health or board of education, or a health officer, shall display or cause to be displayed a sign or other thing on which shall be written or printed the words dispensary, or clinic or any other word, words or characters which could directly or indirectly or by suggestion indicate the existence of the equivalent in purpose or effect of a dispensary.

§ 470. **Violation of article, misdemeanor.** Any person who wilfully violates any of the provisions of this article, or any of the rules, adopted pursuant thereto shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than ten dollars and not more than two hundred and fifty dollars.

§ 471. **Obtaining surgical or medical treatment on false representations, misdemeanor.** Any person who obtains medical or surgical treatment on false representations from any dispensary licensed under the provisions of this article, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars and not more than two hundred and fifty dollars.

ARTICLE 9-A

HOUSE OF THE GOOD SHEPHERD AND BERKSHIRE INDUSTRIAL FARM

Title 1. House of the Good Shepherd (§§ 472-a–472-d).
2. Berkshire Industrial Farm (§§ 472-e–472-q).

TITLE 1

HOUSE OF THE GOOD SHEPHERD

Section 472-a. House of the Good Shepherd.
472-b. Commitment; certificate; term.
472-c. To be kept apart from other inmates.
472-d. Right to habeas corpus.

§ 472-a. **House of the Good Shepherd.** The corporation known as the House of the Good Shepherd, now established and existing in the city of New York, is hereby authorized and empowered to receive and retain in its custody all such females as its trustees shall deem suitable subjects for its care who may voluntarily surrender themselves or who may be committed to its custody in the manner and for the term hereinafter provided, or for so much of such term as may be necessary, in the judgment of said trustees, for treatment and reformation.

§ 472-b. **Commitment; certificate; term.** Any judge or justice of a court of record in the county or district where an alleged inebriate female resides may commit such female to such house upon the consent, in writing, of the trustees thereof, signed by the reverend mother superintendent or executive officer of said house, and upon the certificate in writing of two physicians under oath, showing that such female is over the age of eighteen years and is incapable or unfit to properly conduct herself or her own affairs or is dangerous to herself or others by reason of habits of periodical, frequent or constant drunkenness, induced either by the use of alcoholic, vinous or other liquors, or opium, morphine or other narcotic or intoxicating or stupefying substance. But it must appear from such certificate that every physician executing the same is a graduate of some incorporated medical college and is a permanent resident of the state and has been in the actual practice of his profession for at least three years, and it must also

appear on the face of such certificate that the physicians executing the same have made a personal examination of the female alleged to be an inebriate, and that such examination has been had within twenty days prior to the application for the commitment. The judge or justice to whom the consent and certificate are presented may require affidavits to be submitted in support of the allegations contained in such certificate, or may institute an inquiry to take proof as to such facts before making the commitment. No such commitment shall be for a longer term than one year, but the same may be renewed for a like term or terms upon a proceeding taken as hereinbefore prescribed in the case of an original commitment.

§ 472-c. **To be kept apart from other inmates.** Females committed to the House of the Good Shepherd pursuant to the provisions of the last two sections must be kept separate and apart from the other inmates of said house.

§ 472-d. **Right to habeas corpus.** Nothing herein contained shall be construed to limit the right of the court to review by habeas corpus the detention of any person committed under the last three sections.

TITLE 2

Berkshire Industrial Farm

Section 472-e. Institution continued; powers.
472-f. Objects of corporation.
472-g. Board of directors.
472-h. Election of directors.
472-i. Quorum to do business.
472-j. Custody of boys, how acquired; notice to corporation.
472-k. Commitments of boys by magistrates to care of corporation; effect of commitments.
472-l. Truant homes and charitable institutions, transfer of certain boys by.
472-m. Power of corporation as to boys in its care; corporation to act as guardian and enforce terms of indenture.
472-n. Statements as to age.
472-o. Reports.
472-p. Property exempt from taxation.
472-q. Powers and liabilities.

§ 472-e. **Institution continued; powers.** The body corporate known prior to August twenty-fifth, eighteen hundred and ninety-six, by the name of the "Burnham Industrial Farm," the name of which was, on that day, changed to "Berkshire Industrial Farm," which corporation was continued by the former provisions of this section, taking effect February seventeenth, nineteen hundred and nine, under the name and style of "Burnham Industrial Farm," is hereby continued as the "Berkshire Industrial Farm,"

and by the latter name shall have power to take by gift, lease, purchase, devise or bequest real and personal property and hold the same for the proper uses and purposes of said corporation; provided that the annual income from such real estate shall not exceed fifty thousand dollars.

§ 472-f. **Objects of corporation.** The objects of this corporation shall be to receive and take charge of such boys as may legally come into its custody and care, and to provide for their support. education and training.

§ 472-g. **Board of directors.** The property and concerns of the corporation shall be managed by a board of twelve directors, who shall receive no compensation. The term of office of four of such directors shall expire on May first in each year, but they shall hold office until their successors are elected. The present board of directors is continued in office until their successors are chosen.

§ 472-h. **Election of directors.** On the first day of May in each year, four directors shall be elected by the corporation in such manner and place as the by-laws shall direct, but if no election be held on any such day, the election may be held on any subsequent day, and any vacancies occuring otherwise than by the expiration of a regular term may be filled for the balance of such term in accordance with the by-laws of this corporation and by the votes of a majority of the directors then in office.

§ 472-i. **Quorum to do business.** Five members of the board shall be a quorum, and the board may delegate its powers, during the interval between its meetings, to an executive committee of its own members, whose minutes shall be kept as provided by the by-laws, and shall be reported for approval to all stated meetings of the board; but no purchase or conveyance of real estate shall be made unless by the concurrence of a majority of the whole board.

§ 472-j. **Custody of boys, how acquired; notice to corporation.** The corporation shall be deemed to have acquired lawful care and custody of any boy between the ages of six and sixteen years who shall have been surrendered to it by his parent or guardian; provided that such surrender is evidenced by a writing executed by such parent or guardian setting forth the name and age of the boy, the date of surrender, and the term for which such surrender is made, and expressly vesting in the corporation all the powers and control over the boy of which such parent or guardian was possessed; provided that no such surrender shall be made except upon five days' previous notice of the intention to make such surrender in writing, by the parent or guardian of the child to the said corporation or its agents.

§ 472-k. **Commitments of boys by magistrates to care of corporation; effect of commitments.** Any justice of the peace, police justice, or other commiting magistrate or officer, is hereby authorized to commit to said corporation, with its consent any boys between the ages of six and sixteen years, deserting their homes without good or sufficient cause, or keeping company with dissolute

or vicious persons against the lawful commands of their fathers, mothers, guardians, or other persons standing in the place of a parent; or any such boys found wandering in the streets or lanes of any city or village, or in the highways of any town without guardianship, and practicing dissolute or vicious habits. Such commitment to said corporation shall be to the custody and control thereof until such boys are discharged therefrom by operation of law or by the said corporation; but such boys shall not in any event be detained by said corporation after they arrive at the age of twenty-one years.

§ 472-l. **Truant homes and charitable institutions, transfer of certain boys by.** The corporate authorities of any truant school, or charitable institution now or hereafter having the lawful custody and care of any boy not less than six years of age, and not awaiting trial nor under sentence for a term of years for crime, may, with the consent of said corporation, transfer and assign such custody and care to this corporation upon such terms as the directors of such institution and said corporations may agree.

§ 472-m. **Power of corporation as to boys in its care; corporation to act as guardian and enforce terms of indenture.** Said corporation shall have the custody and control of all boys surrendered, committed or transferred to it under sections four hundred seventy-two-j to four hundred seventy-two-l, and shall have authority by its officers or agents to restrain and direct them, to assign them to suitable employments, to determine their hours of labor, study and rest, to care for their sustenance and health, and to instruct them in useful knowledge; and shall have power to place such boys in suitable homes where they may be adopted into families or taken on trial for a limited time; or, in its discretion, to return them to their former home or their parents or guardians, and may at its discretion bind out such boys as apprentices or servants during their minority or for any shorter time upon such terms or conditions as now or hereafter shall be prescribed by law. And said corporation may, with the consent of any other charitable corporation authorized by law to take the custody and control of orphan, vagrant, destitute, abandoned or disorderly boys, transfer to such other corporation the custody and control of any boy whenever such transfer is deemed by said corporation to be necessary and proper for the welfare of such boy or for the discipline or protection of other boys in its charge, provided that there be first obtained from a judge of a court of record in the county where said corporation shall have its principal buildings, an order of approval of such transfer. The corporation shall be and remain the guardian of every boy bound by it to service, shall take care that the contract be fulfilled, and that any grievance be redressed as prescribed by law, and shall require, by the terms of every such indenture, a report from the master to whom such boy is bound, or his assignee, at least once in every six months, upon the occupation, health and conduct of the boys so bound.

§ 472-n. **Statements as to age.** In all cases under this article where boys shall come under the care, custody or control of said corporation, the age of such boys shall, so far as said corporation is concerned, be prima facie deemed and taken to be correct as stated in the written surrender of the parent or guardian, or the order of commitment by the committing magistrate or officer, or in the transfer by the authorities of any truant school or charitable institution; and in case of any omission to state the age of any boy in any of such cases, the directors of said corporation shall, as soon as may be after such boy shall be received by them, ascertain his age by the best means in their power and cause the same to be entered in a book to be designated by them for the purpose. And the age of such boy thus ascertained shall be prima facie deemed and taken to be the true age of such boy.

§ 472-o. **Reports.** The said corporation shall annually, on or before the fifteenth day of January, report to the legislature the number and names of the boys in its custody or under its guardianship, their age, residence, occupation, state of education, together with the changes in these particulars during the preceding year; the receipts and expenditures and the financial condition of the corporation, and an account of its general operations.

§ 472-p. **Property exempt from taxation.** So long as the property of said corporation shall be used for charitable purposes only, such property, both real and personal, shall be exempt from taxation.

§ 472-q. **Powers and liabilities.** Said corporation shall possess the general powers and be subject to the general restrictions and liabilities of incorporated charitable institutions.

ARTICLE 10

GENERAL PROVISIONS APPLICABLE TO CHARITABLE INSTITUTIONS

Section 474. Reports to supervisors of appointments and committals to charitable institutions.
475. Reports by officers of certain institutions to clerks of supervisors and cities.
476. Verified accounts against counties, cities and towns.
477. Dutchess county.
478. Investigation of complaints by boards of managers.
479. Designation of depository of funds.
480. Labor of children not to be hired out.

§ 474. **Reports to supervisors of appointments and committals to charitable institutions.** 1. Every judge, justice, superintendent or public welfare official or other person who is authorized by law to make appointments or commitments to any state charitable institution, in which the board, instruction, care or clothing is a charge against any county, town or city, shall make a written report to the clerk of the board of supervisors of the county, or of the county in which any town is situated, or to the city clerk of any

city, which is liable for any such board, instruction, care or clothing, within ten days after such appointment or commitment, and shall therein state, when known, the nationality, age, sex and residence of each person so appointed or committed and the length of time of such appointment or commitment.

2. This and the two following sections shall apply to each of the asylums, reformatories, homes, retreats, penitentiaries, jails or other institutions, except public homes, in each of the counties of this state except the county of Kings, in which the board, instruction, care or clothing of persons committed thereto is, or shall be, a charge against any county or town therein.

§ 475. **Reports by officers of certain institutions to clerks of supervisors and cities.** 1. The keeper, superintendent, secretary, director or other proper officer of a state charitable institution to which any person is committed or appointed, whose board, care, instruction, tuition or clothing shall be chargeable to any city, town or county, shall make a written report to the clerk of such city or to the clerk of the board of supervisors of the county, or of the county in which such town is situated, within ten days after receiving such person therein.

2. Such report shall state when such person was received into the institution, and, when known, the name, age, sex, nationality, residence, length of time of commitment or appointment, the name of the officer making the same, and the sum chargeable per week, month or year for such person.

3. If any person so appointed or committed to any such institution shall die, be removed or discharged, such officers shall immediately report to the clerk of the board of supervisors of the county, or of the county in which such town is situated, or to the city clerk of the city from which such person was committed or appointed, the date of such death, removal or discharge.

§ 476. **Verified accounts against counties, cities and towns.** 1. The officers mentioned in the last section shall annually, on or before the fifteenth day of October, present to the clerk of the board of supervisors of the county, or of the county in which such town is situated, or to the city clerk of a city from which any such person is committed or appointed, a verified report and statement of the account of such institution with such county, town or city, up to the first day of October, and in case of a claim for clothing, an itemized statement of the same; and if a part of the board, care, tuition or clothing has been paid by any person or persons, the account shall show what sum has been so paid; and the report shall show the name, age, sex, nationality and residence of each person mentioned in the account, the name of the officer who made the appointment or commitment, and the date and length of the same, and the time to which the account has been paid, and the amount claimed to such first day of October, the sum per week or per annum charged, and if no part of such account has been paid the report shall show such fact.

2. Any officer who shall refuse or neglect to make such report shall not be entitled to receive any compensation or pay for any

services, salary, or otherwise, from any town, city or county affected thereby.

3. The clerk of the board of supervisors who shall receive any such report or account shall file and present the same to the board of supervisors of his county on the second day of the annual meeting of the board next after the receipt of the same.

§ 477. **Dutchess county.** 1. All insane, idiotic, blind and deaf and dumb persons, the expense of whose support and maintenance now is, or, under the laws of the state of New York, may become a charge upon the city of Poughkeepsie, or the county of Dutchess, exclusive of said city, or both, and who are maintained, or shall be maintained, in any of the institutions of the state of New York, shall be supported by said county of Dutchess as one district.

2. All institutions in the state of New York maintaining any such person whose support is properly chargeable, or shall be properly chargeable, to said city or county, are hereby required to render to the county treasurer of said county all bills for the support from such persons without any distinction between those persons from the different parts of said county.

3. This section shall not be held to affect chapter two hundred and eighty-six of the laws of eighteen hundred and sixty-three, an act for the better support of the poor in the city of Poughkeepsie, except as to the class of persons herein named.

§ 478. **Investigation of complaints by boards of managers.** 1. Whenever the managers, directors or trustees of any asylum, hospital or other charitable institution, the managers, directors or trustees of which are appointed by the governor and senate, or by the legislature, shall deem it necessary or proper to investigate and ascertain the truth of any charge or complaint made or circulated respecting the conduct of the superintendent, assistants, subordinate officers or servants, in whatever capacity or duty employed by or under the official control of any such managers, directors or trustees, it shall be lawful for the presiding officer for the time being of any such managers, directors or trustees, to administer oaths to all witnesses coming before them respectively for examination, and to issue compulsory process for the attendance of any witness within the state whom they may respectively desire to examine, and for the production of all papers that any such witness may possess, or have in his power, touching the matter of such complaint or investigation; and wilful false swearing by any witness who may be so examined is hereby declared to be perjury.

2. All persons so examined as witnesses shall be paid the same fees as are now paid to witnesses in the supreme court by the said managers, directors or trustees, authorizing the issuing of such compulsory process.

§ 479. **Designation of depository of funds.** 1. It shall be the duty of the board of trustees or managers of each charitable or benevolent institution in this state, supported in whole or in part by moneys received from the state, or by any county, city or town

thereof, to designate by resolution, to be entered upon their minutes, some duly incorporated national or state bank or trust company as the depository of the funds of such institution.

2. After such designation, it shall be the duty of the treasurer of each such charitable or benevolent institution immediately to deposit in the bank or trust company so designated, in his name as treasurer of the institution, naming it, all funds of the institution which may come into his possession.

§ 480. **Labor of children not to be hired out.** It shall be unlawful for the trustees or managers of any house of refuge, reformatory or other correctional institution, to contract, hire, or let by the day, week or month, or any longer period, the services or labor of any child or children, now or hereafter committed to or inmates of such institutions.

ARTICLE 11

Construction; Laws Repealed; When to Take Effect

Section 484. Constitutionality.
485. Construction.
486. Laws repealed.

§ 484. **Constitutionality.** If any provisions of this chapter shall be held to be unconstitutional, such decision shall not affect the validity of the remaining provisions of this chapter.

§ 485. **Construction.** 1. The provisions of this chapter so far as they are substantially the same as those existing at the time they shall take effect, shall be construed as a continuation of such laws, modified or amended, according to the language employed in this chapter, and not as new enactments. References in laws not repealed to provisions of law repealed, or transferred and enacted into and made a part of this chapter, shall be construed as applying to the provisions so incorporated.

2. All references in this chapter to articles, titles or sections shall, unless otherwise indicated in connection therewith, be deemed to refer to the articles, titles or sections of this chapter; and, if so stated in connection therewith, to a subdivision of a section of this chapter. All references in any section of this chapter to a numbered subdivision, or clause shall, unless otherwise indicated in connection therewith, be deemed to refer to the subdivision, or clause so numbered or lettered in such section. All references in any article to a title shall, unless otherwise indicated in connection therewith, be deemed to refer to the title so numbered in such article.

§ 486. **Laws Repealed.**

Schedule of laws repealed not attached.

INDEX II

An index under general subjects. For an index under Articles of the law, see Index I at the beginning of this volume.

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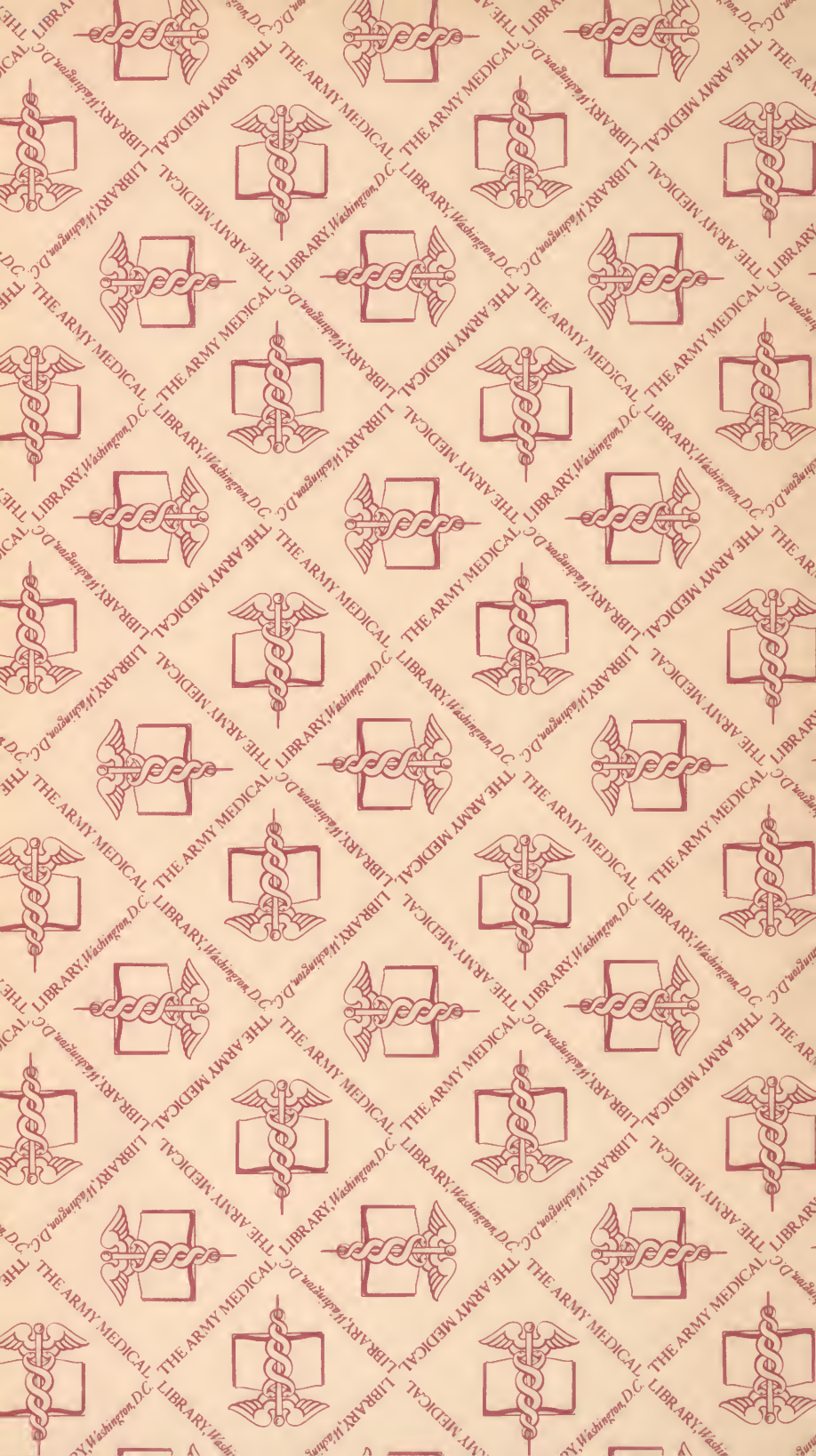
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